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**ABSTRACT**

This document presents witnesses' testimonies and prepared statements from the first of a series of Congressional hearings on the reauthorization of the Juvenile Justice and Delinquency Prevention Act. Opening remarks are included from Representatives Dale Kildee, Augustus Hawkins, Thomas Tauke, and Thomas Sawyer. Issues are raised about the jail removal mandate, the violent and repeat offender problem, minority incarceration, the valid court order, and the distribution of funds and special emphasis grant priorities. Witnesses providing testimony include: (1) Barry Krisberg, president, National Council on Crime and Delinquency; (2) Richard Gardell, steering committee member, National Coalition of State Juvenile Justice Advisory Groups; (3) Gerald Radcliffe, chairman, Legislation and Governmental Regulations Committee, National Council of Juvenile and Family Court Judges; (4) Luke Quinn, chairman, Juvenile Justice Subcommittee, National Association of Counties; (5) James W. Brown, project director, Community Research Associates, Champaign, Illinois; (6) Guy Fournier, vice chair, Children and Family Council for Prevention Programs, Hyde Park, Vermont, accompanied by youth member Christopher Fleury; (7) Augustine Baca, executive director, Youth Development, Inc., Albuquerque, New Mexico; and (8) Beth Farnbach, executive director, Temple-Leap, Philadelphia, Pennsylvania. Prepared statements, letters, and supplemental materials are included. (NB)

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ED 297236

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# HEARING ON H.R. 1801, TO REAUTHORIZE THE JUVENILE JUSTICE AND DELINQUENCY PREVEN- TION ACT

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## HEARING

BEFORE THE  
SUBCOMMITTEE ON HUMAN RESOURCES  
OF THE  
COMMITTEE ON EDUCATION AND LABOR  
HOUSE OF REPRESENTATIVES  
ONE HUNDREDTH CONGRESS  
FIRST SESSION

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HEARINGS HELD IN WASHINGTON, DC, SEPTEMBER 11, 1987

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### Serial No. 100-51

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# HEARING ON H.R. 1801, TO REAUTHORIZE THE JUVENILE JUSTICE AND DELINQUENCY PRE- VENTION ACT

FRIDAY, SEPTEMBER 11, 1987

U.S. HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON HUMAN RESOURCES,  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10 a.m., in room 2261, Rayburn House Office Building, Hon. Dale E. Kildee (chairman of the subcommittee) presiding.

Members present: Representatives Kildee, Sawyer, Hawkins, Tauke, and Jeffords.

Staff present: Susan Wilhelm, staff director; S. Jefferson McFarland, subcommittee counsel; Carole Stringer, legislative analyst; Margaret Kajeckas, clerk; Daniel V. Yager, minority counsel; and Carol Behrer, minority legislative associate.

Mr. KILDEE. The subcommittee will come to order.

The Subcommittee on Human Resources meets today for the first of a series of hearings on the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

I have often stated that the role of government is to promote, defend, protect and enhance human dignity. The JJDPa serves this purpose.

Since its original enactment in 1974, the JJDPa has provided the leadership that has promoted significant advances in the way we deal with at-risk youth.

We can be proud of the progress that has been made for it clearly demonstrates that community-based programs provide humane, effective treatment of youth while at the same time ensuring the safety of the public.

Success speaks for itself and is one of the reasons the Act has enjoyed strong bipartisan support in the Congress over the years.

While much has been accomplished, we must recognize that there is more to be done and that Federal leadership in this area is critical if progress is to continue.

For this reason, Mr. Tauke and I jointly introduced H.R. 1801 to reauthorize the JJDPa for four additional years. I am pleased to report that the bill currently has 49 co-sponsors including Members from both sides of the aisle.

Today's witnesses have a broad range of experience with the many components of the Act and I look forward to their comments

on how the Act is working and whether improvements can be made.

For all its many strengths, we must keep in mind that the JJDPa was written by the Congress, not on Mount Sinai.

The JJDPa enjoys strong support both within and outside of the Congress.

I have received a letter from the Ad Hoc Coalition for Juvenile Justice and Delinquency Prevention supporting H.R. 1801 and the reauthorization of the Act.

The Ad Hoc Coalition is an association of more than 25 national organizations advocating for the better treatment of youth.

Without objection, I would like to have this letter and several juvenile justice articles placed in the record. [See Appendix.]

I would like to recognize, and I am very honored to have the Chairman of the full Education and Labor Committee, an ex officio member of this subcommittee, Mr. Gus Hawkins from California, who was a chief sponsor and the subcommittee chairman back in 1974 when the Juvenile Justice Act was first enacted.

Mr. Hawkins?

Mr. HAWKINS. Thank you, Mr. Chairman.

I will not delay the hearing because I think it is important that we hear from the witnesses, especially those from out of the city. However, I do want to reassure you of my continuing support for the Juvenile Justice and Delinquency Prevention Act. As you indicated earlier, I was actively involved in the establishment of the Act in 1974.

I have more than just a casual interest now because a new perspective was added in recent years by rising gang activity, violence and increased drug problems.

In my area, it has become a serious crisis. Individuals in my district are afraid to walk the streets; businesses are being threatened, and the peace and harmony of the community disrupted.

The community is really up in arms over the problem. In many ways, this problem has been identified with minority communities. However, in the Los Angeles area, the problem is spreading out into the middle-class communities.

While I do not intend to impose any additional burdens on the Act, I think there are provisions which imply coverage of this important issue.

I certainly want to support you and Mr. Tauke in every way possible, including additional resources for the act.

It is my intent to request a hearing on the West Coast preferably in Los Angeles, but not necessarily in my district, because I think there is a tremendous opportunity to view the problem. I will be discussing this hearing with you at a later date.

Mr. KILDEE. We will be happy to have a hearing there, Mr. Chairman.

Mr. Tauke?

Mr. TAUKE. Thank you, Mr. Chairman.

I might suggest we try to focus that hearing in Los Angeles around the January-February period when it gets a little cold in Michigan.

It is very good to be here, Mr. Chairman, and to be again working with you and the other members of this subcommittee on im-

portant issues. I have been very pleased to work on this subcommittee in the past, and I know that the challenge that is before us is one that you will guide us in meeting just as you have in the past.

I also am pleased to have joined with you in introducing the reauthorization of the Act, H.R. 1801. I think it is fair to say that a lot of progress has been made in the juvenile justice arena since the enactment of the Act back in 1974.

However, there are several key issues which continue to recur; some issues are new, but all these issues must be considered during reauthorization.

While I won't attempt to list all the issues that are going to have to be addressed by this subcommittee, it does seem to me that there are several which merit attention.

The first is the jail removal mandate. We have a number of States who apparently are not complying as intended with the mandate.

We have to determine whether or not deadlines for State compliance should be extended, the 75 percent substantial compliance test be revised, or if some exceptions should be made to the jail removal mandate.

It seems to me this is an issue which is going to be very important and which we will have to hear from the States about.

Secondly, the violent and repeat offenders problem. There are many difficult juvenile justice problems. One of the greatest I think is the problem of that individual who is a violent offender or that individual who is a repeat offender, and we need to figure out how the system should handle those difficult juveniles.

A third area is minority incarceration. Data in this area is alarming. It indicates that minority juveniles are disproportionately incarcerated and we need to determine if a dual juvenile justice system is emerging.

The fourth issue is the issue of the valid court order. That was a controversial provision when added in the last reauthorization, and the valid court order provision may need to be revisited this time.

I think we need to ask is the valid court order being used as intended. Is it still needed and what are the alternatives?

Finally, I think that we need to look again at the distribution of funds and the special emphasis grant priorities.

Is the present Act appropriate in these matters and should the distribution or the priorities be revised?

Obviously these issues are difficult, but there are more issues than that which will be before us.

I hope that the testimony today will provide us a good foundation from which we can work in considering the reauthorization of the Juvenile Justice and Delinquency Prevention Act, and I look forward to working with all the witnesses today, other interested parties and other members of the subcommittee in developing legislation that will move us further down the road in achieving the goals of the original Act.

Mr. KILDEE. Thank you, Mr. Tauke.

Mr. Sawyer?



Mr. SAWYER. I thank you for holding this hearing on H.R. 1801. I don't know whether you realize it, but I am a former administrator in a State school for delinquent boys.

I suspect that as a product of that, I have a special and perhaps personal awareness of the number of youths who need help, and the complexity of their needs.

It is clear that we need to provide justice and protect the rights of children, while at the same time reducing the incidence of juvenile crime.

Beyond that, it is also important that we provide adequate rehabilitative and support services to juvenile offenders in the least restrictive, yet appropriate, setting.

The question is how best can we accomplish that, particularly during a period of budget restraint.

I have a prepared statement here that I am not going to go through at great length, except to say that I know that I am particularly proud that my State of Ohio will soon reach 100 percent compliance with the mandates set forth in the Act, in no small part thanks to the efforts of one of our witnesses here today and the substantial effort that he has put forth.

I hope that as we continue hearings on this matter we can continue to take a closer look at the connection between the problems that we are seeking to deal with directly and the underlying issues which directly affect children today—the connection between learning disabilities and juvenile offenders, the question of educational services and detention, the need for real attention to our foster care system—in short, the effects that are causing some of the problems that we are attempting to deal with. We have also had to bring ourselves to questions of reform after the fact, as well as dealing with the problems that are causal in character.

With that, let me just conclude by saying that I am confident that the reauthorization that we consider today will go a long way toward helping us find those kinds of solutions, and I appreciate the opportunity to take part in it.

Mr. KILDEE. Thank you.

I was aware of the fact that you had been Mayor of Akron, Ohio, but I had not been aware of your other vocation. We welcome that expertise to the Committee here. This subcommittee has under its jurisdiction a wide range of programs for young people, including early child care and we will be doing something probably in October on a bill addressing that.

It often happens that the seeds of difficulties that youth experience later in life are planted in those early years. We have to look at it with a kind of a gestalt approach there.

Having taught school for 10 years, I have seen some of those seeds being planted very early. Unfortunately, they were often harvested later on because they were not planted well or in the right places.

So I think you raise a good point.

This subcommittee has the opportunity of looking at things in a comprehensive way and this fall, hopefully, we will have a bill on early childhood care which might help eliminate some of the problems that we have at this later age.

Thank you very much, Mr. Sawyer.



**STATEMENTS OF BARRY KRISBERG, PH.D., PRESIDENT, NATIONAL COUNCIL ON CRIME AND DELINQUENCY; RICHARD J. GARDELL, STEERING COMMITTEE MEMBER, NATIONAL COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS; GERALD E. RADCLIFFE, ESQ., CHAIRMAN, LEGISLATION AND GOVERNMENTAL REGULATIONS COMMITTEE, NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES; AND LUKE QUINN, ESQ., CHAIRMAN, JUVENILE JUSTICE SUBCOMMITTEE, NATIONAL ASSOCIATION OF COUNTIES**

**Mr. KILDEE.** Our first panel will consist of Dr. Barry Krisberg, President, National Council on Crime and Delinquency; Lieutenant Richard J. Gardell, Steering Committee Member, National Coalition of State Juvenile Justice Advisory Groups; and Hon. Gerald E. Radcliffe—we are glad to have you here—Chairman of the Legislation and Governmental Regulations Committee, National Council of Juvenile and Family Court Judges; and a long-time friend of mine whom I just saw this weekend at the Labor Day picnic in my district, Hon. Luke Quinn, Chairman of the Juvenile Justice Subcommittee, National Association of Counties.

**Dr. Krisberg?**

**Mr. KRISBERG.** Thank you, Representative Kildee.

My name is Barry Krisberg and I currently serve as President of the National Council on Crime and Delinquency. I am very grateful to be asked by Congress to present my views and those of my organization on the future of juvenile justice policy.

The NCCD is an 80-year-old research and policy organization. Throughout its history, NCCD has nurtured the evolution of the juvenile court movement. The first work that NCCD engaged in involved defining the profession of probation and lobbying for salaries for probation officers and ultimately establishing professional standards for the discipline of probation, which is so central to court services.

Over the years, NCCD has generated model laws and standards and attempted to help States to organize their juvenile codes and their juvenile correctional systems.

As some of you may know, the NCCD was one of the key national groups that lobbied on behalf of the passage of the Juvenile Justice Act in 1974.

Since its passage, we have collaborated with the Office of Juvenile Justice on a number of very important projects in the area of delinquency prevention, violent juvenile offenders, the impact of the juvenile court on serious offenders, and particularly we have been using the Children in Custody statistical states funded by the Office of Juvenile Justice to provide information and policy analysis to legislatures, governors and elected officials around the country.

Our experience with the Juvenile Justice Act and the OJJDP indicates that the Act merits reauthorization and that OJJDP must be given the necessary budgetary support to meet its congressional mandate.

The Office of Juvenile Justice and the State programs funded with the Act have accomplished very important work over the last several years. There are outstanding local programs.

The office at the national level has been a beacon of research and focused attention on very important questions and without a strong Federal presence in the research area States and localities could never marshal the resources or the expertise to really break through the barriers of knowledge and take us to the next level of understanding on some of these questions.

The Act was instrumental in major system reforms in the States of Utah, Washington and other States. So there is no question that it has had a major and very positive impact on the Nation's children and although I will focus my comments on continuing problems, I don't want my focus on problems to in any way minimize the enormous value of what has gone on and what is continuing.

As my colleague Norville Morris says, better should never be the enemy of the best.

I want to focus my comments on three issues of great concern to NCCD and share some of our experiences in the last year.

The issues I want to deal with are, first, jail removal; secondly, the growing problems of the juvenile correction system and how and what the Congress might do about some of those problems; and finally I want to talk about the issue of the growing number of minority children in our correctional facilities.

First, on the issue of jail removal, as most of you are aware, jail removal has always been at the heart of the juvenile justice system and its reform. The very first specialized institutions that were created in the East Coast in 1825 were established precisely to get children out of adult jails.

The first major American child welfare legislation, the Illinois Juvenile Court Act, had as its major purpose the removal of children languishing in jails in Illinois, particularly the Cook County jail.

Despite universal professional support for this ideal, however, progress has been uneven and slow.

The passage of the 1980 amendments to the Juvenile Justice Act provided a major impetus for advocates of jail removal and several States, such as Pennsylvania, Virginia, Missouri, and most recently California, have passed strong legislation banning the jailing of children in adult jails.

The Federal policy stance and very valuable technical assistance provided through the Office of Juvenile Justice has brought us to a point where I believe the United States can reasonably see the end of a pernicious practice that has marred our justice system throughout the Nation's history.

I am well aware that there are States who have not fully complied and the deadlines are at hand.

I am also well aware of the very difficult process of building the consensus and coming up with the strategies to remove children from jails.

But I am also absolutely convinced from my experience that this can take place very expeditiously if the political will is there.

The recent legislation in Iowa passed with Federal court intervention looming, I believe, is evidence of how quickly States can move if the policymakers are convinced that it is time to move.

It is our position that the Federal Government should press hard for compliance with the 1980 Jail Removal Amendments.

This is no time to dilute the congressional will.

This year, the NCCD Board of Directors wrote a letter to the Nation's 50 governors calling for them to work together to end the jailing of children. We got back letters from almost all of them applauding our position, indicating what progress they believe was made in their States and pledging to do whatever they could to work with us in that area.

We have an advisory group co-chaired by U.S. Supreme Court Justice William Brennan.

In June of this year, that group issued a statement strongly urging judges to advocate for jail removal and encouraged judges to get involved and aggressively work for jail removal.

One of the members of our Judicial Advisory Committee is Tom Marshall, the Chief Justice of the Supreme Court in Georgia. He brought that resolution to the Conference of Chief Justices and in their meeting in August, the Conference of Chief Justices adopted a very strong resolution calling for the immediate ending of jailing of children.

To my knowledge, the Chief Justices of all the State Courts of the U.S. have never spoken out on this issue.

My point is that national momentum is building for the elimination of children in adult jails.

If anything, the movement is growing and more and more support from all quarters is coming in this area.

Our own work in California, I think, is a case in point. For years California led the Nation in the number of children admitted to its adult jails and lockups. It was a continuing shame of our justice system and countless State and local officials worked very hard to change that practice, but it seemed almost impossible.

Almost a third of the children jailed in America were jailed in California and for years no serious jail removal bill had even reached minimum legislative attention.

Events began to change rapidly when the Youth Law Center and the Public Justice Foundation filed lawsuits against four counties and the California Youth Authority.

Next, a task force of prominent corporate leaders and business people who were looking at the juvenile justice system issued a report making jail removal an important ingredient of their reform today.

As a result of those recommendations, NCCD developed a draft bill which was subsequently introduced as Senate Bill 1637 by Senator Robert Presley of Riverside, California. He is a very influential California legislator, formerly deputy sheriff, heads the Senate Appropriations Committee and is the acknowledged expert in the California Legislature on child welfare and corrections issues.

What followed the introduction of this bill was a very spirited campaign which involved extensive and detailed negotiations among child advocates, law enforcement officials, corrections, child welfare directors, you name it.

There were some really tough issues involving the special problems of Los Angeles County which is very large spreading over a lot of diverse geography.

There were particular problems facing the remote and mountainous areas of California.

You may have been exposed to those issues in the past.

These negotiations resulted in a successful compromise that was acceptable to all the parties.

The bill went to the legislature and was passed with very few dissenting votes. It received the strong endorsement of California's Attorney General John Van de Kamp and as soon as the bill hit the governor's desk, it was signed.

Effective January 1 of this year, California possessed one of the Nation's toughest laws banning the jailing of children in a State that heretofore had been considered the worst place in terms of these practices and in which political action was pretty much inert for several years.

I think the California experience tells us the following, that even though there can be years of limited progress, policymakers can move quickly.

The second issue I think which is key is that small amounts of technical assistance provided by NCCD and by the California Youth Authority, not requiring great allocations of money, were really able to speed the process along.

Bringing in people from other States, giving ideas of model programs, giving some examples of how these programs could be financed, was of great help to California.

I think last but not least, I think the California experience once again demonstrates that jail removal has strong bipartisan support, that it transcends the traditional liberal and conservative discussions on the issue of criminal justice, and that the criminal justice community is overwhelmingly in support of this important objective.

I would submit that a firm resolve by Congress to meet the current deadlines, expanded Office of Juvenile Justice efforts to provide States with the technical assistance they need could result in a great victory for our Nation's children.

It is an unqualified opportunity for Americans to stand together so that no child will ever again commit suicide, be abused, or even murdered because they were placed in an adult jail.

Let me move to the issue of juvenile facilities. The juvenile justice system is increasingly faced with some of the problems that we have come to understand in the adult system.

Our juvenile facilities are becoming more and more crowded. Budgets have not kept pace even with inflation, much less the numbers.

There has been a significant growth around the country in the number of kids in detention centers, training schools and other facilities.

In 1985, the Children in Custody Survey reported more children locked up than ever before since that survey was started in 1971.

It also reported that of the children residing in the largest facilities, 200 beds or more, 69 percent of them were residing in chronically overcrowded facilities and every year we see an increasing percentage of our juvenile facilities, particularly the training schools and the urban detention centers, becoming chronically overcrowded.

With overcrowding and with insufficient budget support comes deteriorated physical plants and deteriorated professional practices.

Let me give you some examples of what we are seeing around the country. The Los Angeles Times published a series alleging abusive practice such as the excessive use of physical restraints in several California detention centers.

Under the Rights of Individualized Persons Act, the U.S. Department of Justice has investigated conditions in juvenile facilities in San Francisco and Los Angeles and issued scathing reports on detention centers in both of those places.

In Oregon, a Federal judge ruled that isolation was being used excessively in a school. The court found dirty and unsanitary cells and the use of physical restraints in lieu of adequate psychiatric services.

In Florida, youth were hogtied and shackled to fixed objects in the training school until a Federal judge ordered these practices immediately stopped.

In Colorado, State officials cited juvenile facilities for asbestos pollution, rodent and vermin infestation and major fire hazards.

The State's Director of Institutions described these conditions as horrendous and said these children have no one speaking out for them.

The State of Delaware proposed the creation of a privately operated shelter that would house dependent, neglected, mentally ill status offenders and delinquents in the same facility, even though the practice of commingling youth who have very different problems and present different needs has been condemned by every professional group I know of and is discouraged by the Juvenile Justice Act.

Coming back to California, in the last three years, there have been tragic suicides in California juvenile facilities, in San Francisco, Santa Clara, Merced, and Los Angeles Counties, and three youngsters took their lives in Glenn, Trinity, and Orange Counties.

These are but a few examples of horrendous events taking place in all too many States. Some jurisdictions have taken steps to rectify these conditions and the Federal Government has stepped in at times. But the fact remains that in some jurisdictions youth are suffering from poor conditions and inhumane treatment.

Some of these developments have to do with the fact that these facilities are increasingly crowded and the budgets have not kept pace with the needs for operation. These facilities are also receiving youth, particularly mentally ill youth, who really ought to be in mental health facilities, but because of cutbacks in mental health services, are ended up in training schools.

In addition to that, I see the juvenile justice field adrift right now.

With the get-tough rhetoric, with the demands for stricter punishment, the traditional treatment and best interests of the child philosophy is being aggressively challenged by some and as a result people who are working in juvenile corrections are seeking a new way of defining what they do, figuring out how they fit in and what have you.

OJJDP has traditionally devoted some of its funds, actually a substantial amount, to the development of private sector programs and corrections and much good has come out of those programs.

I certainly support private sector and community-based agencies as the wave of the future in terms of juvenile justice, but I think the time is now for the Office and the Act to turn its attention to the public correctional system.

The bulk of the violent juvenile offenders are in the public system and I know of very few States that are going to give up on the running of their public detention centers and training schools.

So if we overemphasize the private sector for a while, I think it is time to look at the public sector.

I think the Office of Juvenile Justice can play a major role in ensuring that incarcerated youth are housed in safe, humane conditions.

One way this can be accomplished is through the work of advocacy groups across the Nation.

Organizations such as the Youth Law Center in San Francisco, the Juvenile Law Center of Philadelphia, the ACLU Prison Law Project in Washington, D.C., and the Florida Justice Institute of Miami are providing great service to the juvenile justice field.

While these groups are often known for their litigation efforts, they also provide training and technical assistance to many jurisdictions each year.

The work of the advocacy groups encourages a respect for constitutional principles and commitment to provide quality care for incarcerated juveniles and juvenile justice practitioners, people who run facilities, often are extremely grateful when these groups show up because it gives them a way of explaining to policymakers why the budget adjustments are required to do this.

Today these groups rely completely on the support of private philanthropy, such as the Edna McConnell Clark Foundation.

NCCD would urge the Congress to seek ways to advance the vital activities of the advocacy so that not only can children be provided better legal protection, but that the kinds of practices that I am describing can be routed out.

Beyond the work of these groups, I also believe that the office can provide a higher level of technical assistance to correctional agencies. These agencies need to better forecast their caseloads.

They need help in improving their methods of classifying offenders as to risks and needs. They need help in expanding community-based services.

The office has made a good step forward by supporting the American Correctional Association, who is working with the National Association of Correctional Administrators to begin defining some of these needs.

I think that needs to continue.

I would like to see the Office of Juvenile Justice have a program of technical assistance in the juvenile area similar to the training and technical assistance which is so successfully being accomplished by the National Institute of Corrections in the adult area.

I think a lot could be learned by NIC's wonderful experience in that area, relatively small amounts of money, producing tremendous and very positive reforms in many States, and I am sure if



you are familiar with the NJC situation, you will know that it receives almost uniform congratulation in the field and around the country for its technical assistance program.

And again I would emphasize a very modest budget is required to support that kind of program.

At the State level, I would also point out that the California Youth Authority has provided a tremendous model in what it calls its transfer of knowledge workshops.

California is almost a little nation unto itself and we have 58 counties with very diverse needs and we don't even talk to each other all the time as much as we should.

But the California Youth Authority has been continually pushing new standards, advanced practices, discussions on tough issues and doing it in a very effective way.

I think if the Youth Authority can do it, the Office of Criminal Justice can go in the same direction.

I think the provision of technical assistance is timely because we have States that have almost model correctional systems.

The States of Utah and Massachusetts have developed very similar, but very innovative and highly successful programs. They have implemented very effective methods of offender classification, improved after-care services, developed model secure facilities dealing with violent kids and now have well managed community programs.

While not as far along as Utah and Massachusetts, States like Pennsylvania, Oregon, Oklahoma, Colorado, Louisiana, and Texas have all gone in the same direction, embraced these same policies and I see a national movement that former Governor Scott Matheeson called a quiet evolution which is going in a similar way of these sorts of States.

OJJDP recently funded NCCD to study the Utah reforms and we found very dramatic and positive results for violent and serious offenders who were handled in the Utah programs.

We are now, with support from the Edna McConnell Clark Foundation, doing a similar study in Massachusetts.

I think as research comes out, that there is a firm body of knowledge that we can go forward with.

I know the Office of Juvenile Justice is committed to a long-term research and development strategy. I think that is important.

We always have to be advancing the frontiers of knowledge. But that is a long-term operation. These are five- or six-year projects, and I am urging that while we do that, we have to go forward with the best we know now and I assert that the correction system badly needs it.

I think we can address this issue of the conditions of confinement if, first of all, Congress unequivocally declares that juveniles have a right to decent and safe conditions of confinement.

I think Congress can go further and stress that declaration by funding youth advocacy programs and providing support for the Office of Juvenile Justice to provide technical assistance so that the safety and well being of children who are incarcerated is advanced.



I know the office and the Act has always been oriented around promoting community-based alternatives and certainly we support those goals.

I guess I urge that we cannot forget those kinds who must be locked up. Just because we have decided that they are so dangerous that they need to be incarcerated does not mean that they shouldn't be guaranteed the same kind of safety and security that we expect for all our children.

Lastly, I want to move to the issue of minority youth incarceration. Growing number of minority kids in juvenile correctional facilities, the incarceration rate of black juvenile males is three to four times that of white counterparts.

The confinement rates of Hispanic and Native American youth also are quite high and these numbers are growing.

Between 1977 and 1983, the number of incarcerated minority youth grew by 26 percent. During that same period of time, those same youth being arrested dropped by 13 percent.

In addition to the growing numbers, my own research indicates that minority youth are more likely than white youth to end up in public versus private facilities and more likely to end up at the deep end of the custody system.

I think these statistics tell an ominous and tragic story of what is going on. The available research on why this is going on is not so clear cut and I may answer your questions later, but it is a complex issue to sort out these questions.

Some have argued that this minority incarceration is simply because these youths are engaged in more active, serious and violent crime and direct our attention in prevention efforts.

Others, such as Delbert Elliott at the University of Colorado, suggest that we look at police practices that may be resulting in minority youth being arrested and detained.

Elliott and his colleagues found that if black and white youth reported equal levels of serious delinquency in a survey, that the black youth were twice as likely to be arrested and much more likely to be charged with serious offenses.

These patterns of police decision-making which can be quite inadvertent and unintended, could greatly impact later decision-making by the system and could affect the treatment of these young people on down the line.

Another youth is the availability of community-based programs in minority communities. If judges, probation officers, correctional people perceive that minority communities don't have options, they will more likely choose the public options.

In addition, researchers such as Troy Duster of California and Tom Joe here in Washington have directed our attention at the economic status of minority young people and their families in particular focusing on sustained high rates of unemployment of minority teenagers which they argue may get higher and create more serious crime problems.

Obviously the issue of minority youth incarceration encompasses a large and complex set of social concerns, but I think that the Office of Juvenile Justice is in a special position to offer guidance to communities that are seeking help.

For example, the Concentration of Federal Effort program of the Act could provide a vehicle for OJJDP to collaborate with the Department of Labor and the Department of Education in setting up some demonstration projects that might address this issue.

I am particularly intrigued with the idea of testing out programs which increase the employability of youth who are both at risk of becoming chronic delinquents and particularly youth who are currently in the jurisdiction of the juvenile court.

I think here the office ought to play a coordinating role and bring in the best minds in the Department of Labor and the Department of Education who are already working on these questions to see whether or not that expertise can be brought into the juvenile justice system.

I also think the office can play a very important educational role.

The office is already planning to assemble the best information on the subject and that is important, but I think they must be encouraged to go further.

They ought to mount an extensive national dissemination effort and I would urge the use of State and regional conferences.

I am not much a fan of training booklets. I think you have to talk with people and interact. I think this problem can be addressed if you do that.

At a minimum, I think the office can help jurisdictions identify those practices which inadvertently may be producing this practice.

For example, a lot of correctional systems are fond of using a variety of psychological screening devices to place kids in different housing programs.

A favorite is something called eye level, interpersonal maturity level. The research has consistently shown if you use "level" minority kids end up at the worst end of the system.

We did a study in Colorado where they were using eye level and minority kids were backing up at the end of the system, and we replaced eye level with a much more objective safety scale which dealt with public safety risks and stayed away from some of the psychodynamic theories wrapped up in eye level and it significantly dropped the number of minorities that ended up in the most secure settings.

I suggest that often inadvertently workers, policemen, judges, all of us can be using criteria and standards, not intending this to happen, but it works out that way.

Anybody who has looked at studies of extending guidelines, for example, knows that if you look at prior arrests, that will be as opposed to looking at prior adjudications, a policy that focuses on prior arrests will be heavily correlated with race.

Prior adjudications will reduce that considerably. So there are ways in terms of structuring laws and procedures that will minimize this somewhat.

I do not suggest that high numbers of minority kids are in the system just because of discriminatory practices. We have to look at family issues and employment issues first and foremost. But also the research suggests that there may be things going on in the juvenile justice system that can be fixed and I think to get our arms around a problem this large we have to do a bit of both.

Let me sum up.

OJJDP has a broad mandate and there are many needs and I have brought many of them to you: the jailing issue; the issue of ensuring safe and constitutional standards for those kids who are incarcerated; and the issue of minority youth in our public facilities.

Two decades ago, an American President wrote the following: "The problems of crime bring us together. Even as we join in common action, we know there can be no instant victory. Ancient evils do not yield to easy conquest. We cannot limit our efforts to the enemies we can see. We must, with equal resolve, seek out new knowledge, new techniques, and new understanding."

Lyndon Johnson's message to Congress on March 9, 1966, began a bold effort to study the Nation's response to crime and, in fact, there have been major reforms and a substantial modernization of how we do justice in this country as a result of those early efforts.

I think that the Office of Juvenile Justice and the Act is in that spirit.

It can help us seek out new knowledge, it can help us find techniques and it can help us build a new understanding.

I think this is a good moment for the Congress to reaffirm its commitment to that mission for the Office of Juvenile Justice.

Our Nation's children need your wisdom and leadership to ameliorate very serious problems being faced in their communities and in the juvenile justice system.

Thank you.

[The prepared statement of Barry Krisberg follows:]



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**REAUTHORIZATION OF THE  
JUVENILE JUSTICE AND  
DELINQUENCY PREVENTION ACT**

Testimony of:

Barry Krisberg, Ph.D.  
President  
The National Council on Crime and Delinquency

Before:

U. S. House of Representatives  
Subcommittee on Human Resources

September 11, 1987

REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY  
PREVENTION ACT

My name is Barry Krisberg and I currently serve as the President of the National Council on Crime and Delinquency (NCCD). I am very grateful to be asked by Congress to present my views on the future of federal juvenile justice policy.

The NCCD is an 80-year old research and policy organization. Throughout its history NCCD has nurtured the evolution of the juvenile court movement. Most states have looked to NCCD's model legislation and professional standards in organizing their juvenile court services and correctional programs. The NCCD was one of a number of key national groups that urged Congress to pass the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974. The Council has been supported by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to conduct important research projects in the areas of delinquency prevention and the impact of court sanctions on serious offenders. NCCD has utilized the Children in Custody data series, funded by OJJDP, to provide timely and accurate information to policy makers on trends in juvenile corrections. The Council also collaborated with OJJDP in the field test of the highly successful Violent Juvenile Offender Project.

Our experience with the Juvenile Justice Act and the OJJDP indicates that the Act merits reauthorization and that OJJDP should be given the necessary budgetary support to meet its Congressional mandate. While it is quite true that juvenile justice is primarily the responsibility of state and local governments, the federal juvenile justice program has been crucial in focusing national attention on the problems of youth crime and the current methods of dealing with troubled youngsters. In particular, the OJJDP has played a leadership role in promoting the essential research so desperately needed by communities and government agencies. Federal juvenile justice funds have supported many valuable local programs and were instrumental in the major juvenile justice reform efforts in Utah and Washington state. The OJJDP has made notable progress in the areas of deinstitutionalization and removing children from adult jails, but more work must be done.

I would like to concentrate my remarks on three topics of great concern to the NCCD. The first area is the ongoing national effort to end the jailing of children. A second concern involves the growing problems of the juvenile corrections system and the need to guarantee safe, humane and constitutional conditions for those youth who must be incarcerated. In addition, I would like to discuss the issue of the increasing number of minority children in juvenile correctional facilities. I would like to share with you NCCD's research and experience in these areas and offer some recommendations for Congressional action.

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Ending the Incarceration of Children in Adult Jails and Lockups

The effort to remove children from adult jails has always been at the heart of juvenile justice reform. The founding of the houses of refuge and children's aid societies of the 19th century were motivated by this important objective. An important goal of America's first comprehensive child welfare legislation -- the Illinois Juvenile Court Law of 1899 -- was the removal of children languishing in the Cook County Jail. Despite the near universal support for jail removal from child welfare professionals, law enforcement officials, and correctional practitioners, progress towards this goal has been slow and uneven. Passage of the 1980 amendments to the JJDP Act provided a major new impetus for advocates of jail removal. Several states such as Pennsylvania, Virginia, Missouri and, most recently California, have passed strong legislation banning the jailing of children. Other states such as Colorado and Illinois have made great strides in lowering the numbers of children in jails. The federal policy stance and valuable technical assistance provided by OJJDP has produced significant progress. The time is at hand when the United States can reasonably see the end of a pernicious practice that has marred our justice system throughout the nation's history.

I am well aware that many states have yet to fully comply with the federal mandates and that the deadline for substantial compliance is approaching. While the process of removing children from jail often entails a difficult struggle against ingrained practices, many jurisdictions are living proof that jail removal can be expeditiously accomplished. Recent legislation in Iowa, passed with federal court intervention looming, is ample proof of how quickly states can move if the political will to act exists.

It is the position of the NCCD that the federal government should continue to press hard for compliance with the 1980 jail removal amendments. This is no time for diluting the Congressional resolve. This year the NCCD Board of Directors called upon the nation's 50 governors to work together to end the jailing of children. We received very favorable responses from many governors who applauded the NCCD Board for speaking out on this important issue. In June of 1987 NCCD's Council of Judges, which is co-chaired by U.S. Supreme Court Justice William Brennan, adopted a strong policy statement calling on judges to aggressively advocate for jail removal. One member of the NCCD Judges group, Chief Justice of the Georgia Supreme Court Thomas Marshall, brought this policy resolution to the National Conference of Chief Justices, which issued its own clarion call for ending the jailing of children. National momentum is building for the elimination of children in adult jails and lockups.

NCCD's work in California is a case in point. For years California led the nation in the number of juveniles admitted to jails. At one time over one-third of all of the children in U.S. jail and lockups were incarcerated in California adult facilities. For years, no

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serious jail removal bill had received even minimal legislative attention. Events began to change rapidly when the Youth Law Center and the Public Justice Foundation filed civil rights law suits against several counties and the California Youth Authority. Next, a task force composed of some of California's most prominent leaders in the corporate and legal communities, issued a report calling for immediate action to end the jailing of children. NCCD provided staff support for the task force and responded to its recommendations by drafting a model law to promote jail removal. This model was subsequently introduced as Senate Bill 1637 by Senator Robert Presley of Riverside, California. Presley is a very influential legislator who chairs the Senate Appropriations Committee and is an acknowledged expert on corrections and child welfare issues. Following the introduction of SB 1637 there was a spirited campaign to build a consensus in favor of its passage. This process involved detailed and extensive negotiations among child advocates, law enforcement officials and other juvenile justice professionals. There were a number of important implementation concerns that needed to be hammered out to meet the special circumstances of Los Angeles County as well as the remote and mountainous northeastern portions of the state.

These deliberations produced a successful compromise that satisfied almost all of the key participants. An attached article by David Steinhart and myself describes the reform campaign. Presley's bill passed both houses of the California Legislature with very few dissenting votes. The jail removal initiative enjoyed the strong endorsement of California's Attorney General John Van de Kamp and by the time it reached the governor's desk, SB 1637 had a long and diverse list of proponents and no formal opposition. The bill was quickly signed by Governor George Deukmejian and, effective January 1, 1987, California possessed one of the nation's toughest laws banning the jailing of juveniles.

The California jail removal law offers several lessons for Congress about ending the jailing of children: (1) despite years of limited progress, California policy makers were able to act quickly and decisively (2) small amounts of technical assistance provided by NCCD and the California Youth Authority greatly accelerated the reform movement and (3) jail removal efforts continue to enjoy strong bipartisan political support and transcend the traditional justice policy differences of conservatives and liberals. I submit that a firm resolve by Congress to meet its current deadlines for compliance with the 1980 jail removal provisions and expanded OJJDP efforts to provide states with the highest quality technical assistance will result in a great victory for our nation's children. It is an unequalled opportunity for Americans to stand together so that no child will ever again commit suicide or be abused (or murdered) because they were held in a jail.



Ensuring Safe, Humane and Constitutional Conditions of Confinement

While the goal of the JJDPA has always been to encourage whenever feasible the use of community-based sanctions for juvenile offenders, it is also imperative that the federal juvenile justice program be concerned about the conditions of confinement for those youth who must be incarcerated. I have attached an article written by Allen Breed and myself titled "Juvenile Corrections: Is There a Future?" This article appeared in the monthly journal of the American Correctional Association and examines some of the major trends impacting juvenile corrections. We noted that juvenile corrections has gone through several cycles of abuse, scandal and reform. The current period is notable for a return of several of the abusive practices that many had thought were safely behind us. Let me cite a few examples:

1. The Los Angeles Times published a major series alleging abusive practices such as excessive use of physical restraints in several California detention centers and in state facilities. The U.S. Department of Justice has investigated conditions of juvenile confinement in San Francisco, Los Angeles and at least one Youth Authority facility.
2. In Oregon a federal judge ruled that isolation was used excessively and inappropriately at the McClaren School. The court also found dirty and unsanitary cells and the use of physical restraints in lieu of adequate psychiatric services.
3. In Florida youth were hogtied and shackled to fixed objects in the state training school until a federal judge ordered these practices immediately stopped.
4. Colorado's juvenile detention centers were recently cited by state officials for asbestos pollution, rodent and vermin infestation and major fire hazards.
5. The state of Delaware proposed the creation of a privately operated shelter that would house dependent, neglected, mentally ill, status offenders and delinquents in the same facility. The commingling of youth who have very different problems and who present very different risks has been condemned by most child welfare professionals.
6. In the last three years there have been tragic suicides in California juvenile facilities in San Francisco, Santa Clara, Merced and Los Angeles counties. Three other youngsters committed suicide in adult jails in Glenn, Trinity and Orange counties.

These are but a few examples of horrendous events taking place in all too many states. Some jurisdictions have taken steps to rectify these conditions and the federal government has stepped in at times.

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But the fact remains that in some jurisdictions youth are suffering from poor conditions and inhumane treatment.

These sad developments are, in part, the result of growing conditions of crowding and local budgets that have not kept pace with increased client caseloads. In 1985 the Children in Custody survey reported the highest number of children confined in public correctional facilities since this survey was begun in 1971. The 1985 CIC survey also reported that 56% of the youth confined in juvenile facilities holding more than 100 residents were living in chronically overcrowded facilities. Of those youth in the largest facilities, over two-thirds (69%) were incarcerated in overcrowded facilities. Although crowding in juvenile facilities has not reached the crisis magnitude of adult prisons and jails, we cannot afford to ignore this dangerous trend.

Besides crowding and inadequate budget support, juvenile corrections is being buffeted by the public's demand for stricter treatment of serious juvenile offenders. The traditional juvenile justice philosophy that emphasized treatment and "best interests of the child" is being aggressively attacked by those who argue for concepts of "individual responsibility and system accountability". The movement to "get tough" with juvenile offenders has resulted in many states increasing penalties for juveniles and making it easier to waive juvenile offenders into the criminal courts. Even the most highly motivated and dedicated juvenile justice practitioners have barely begun to cope with these new trends and may be somewhat adrift -- searching for a new rationale to guide contemporary professional practices. In short, the field of juvenile corrections is in need of urgent support and technical assistance.

OJJDP has historically devoted a substantial portion of its funds to develop private sector initiatives in the juvenile corrections field. This emphasis on community-based agencies and non-profit organizations was incorporated into the JJDPA and has received the support of virtually all OJJDP administrators. Much value has come of these efforts and the private sector will no doubt play an ever larger role in the evolution of juvenile corrections. However, it is urgent that OJJDP turn its focus to the needs and potential of the public sector juvenile corrections system. The public sector corrections system continues to handle the large majority of the most chronic and violent juvenile offenders and few states are likely to soon abandon the public sector operation of detention centers and training schools.

The OJJDP can play a major role in ensuring that incarcerated youth are housed in safe, humane and constitutional conditions of confinement. One way this goal will be accomplished is through the efforts of advocacy groups across the nation. Organizations such as the Youth Law Center in San Francisco, the Juvenile Law Center of Philadelphia, the ACLU Prison Law Project in Washington, D.C. and the Florida Justice Institute of Miami are providing great service

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to the juvenile justice field. While these groups are often known for their litigation efforts, they also provide training and technical assistance to many jurisdictions each year. The work of the advocacy groups encourages a respect for constitutional principles and commitment to provide quality care for incarcerated juveniles. At one time, the OJJDP provided financial assistance for several of these groups. Today they must rely almost exclusively on the support of private philanthropies such as the Edna McConnell Clark Foundation. I urge the Congress to seek ways to advance the vital activities of the advocacy groups so that they can bring better legal protection to incarcerated children.

OJJDP should also provide a far greater level of direct technical assistance to public correctional agencies. As noted earlier, correctional agencies are facing growing overcrowding and will benefit from help in the areas of (1) more accurate projections of future incarcerated populations, (2) improved methods of offender classification and (3) expanded programming for community-based services. OJJDP has made a very positive step in this direction through its support of the American Correctional Association which is trying to define the priority technical assistance needs of juvenile corrections practitioners. I would like to see OJJDP develop its own juvenile-related version of the adult corrections training and technical assistance program so successfully operated by the National Institute of Corrections. States and localities are actively seeking information on advanced correctional practices, standards and model programs. An excellent state approach to these issues is the Transfer of Knowledge workshop series conducted by the California Youth Authority.

The provision of technical assistance is especially timely because a number of states, such as Utah and Massachusetts, have developed innovative and highly successful juvenile correctional systems. In particular, Massachusetts and Utah have implemented very effective methods of dealing with offender classification, aftercare services, secure facilities for violent offenders and well-managed community-based programs. While not as far along as Utah and Massachusetts, other states such as Pennsylvania, Oregon, Colorado, Oklahoma, Louisiana and Texas have embraced similar policies and programs in reforming their juvenile correctional systems. With support from OJJDP, NCCD has recently completed a major study of the Utah juvenile corrections system. In a related study funded by the Edna McConnell Clark Foundation, NCCD is examining the recidivism of youth who have passed through Massachusetts juvenile programs. The results of these research efforts as well as the practical experience gained in a number of jurisdictions could form the core of expanded OJJDP training and assistance for juvenile corrections agencies.

Recently OJJDP has announced the launching of a number of research and development efforts in areas such as aftercare services, intensive supervision and correctional industry programs. These long-

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range efforts are to be commended because OJJDP must continue its key role of advancing the frontiers of knowledge in juvenile corrections. In the interim, however, OJJDP should define a program of immediate aid to courts and corrections agencies based upon the information that is currently available.

There is little question that juvenile corrections faces a difficult and uncertain future. The federal government could play a major leadership role in shaping that future -- employing the best research and professional experience that OJJDP can assemble. The Congress can begin this process by unequivocally declaring that juveniles have a right to decent and safe conditions of confinement. Members of Congress can further stress this public policy declaration by funding youth advocacy programs and the necessary training and technical assistance to protect the safety and well-being of all children who are incarcerated.

### Reducing Minority Youth Incarceration

The final topic that I would like to bring to Congress' attention is the growing number of minority youth in correctional facilities. Black, Hispanic and Native American youngsters are confined in numbers which far exceed their relative proportions in the general population. In particular, Black males are incarcerated at a rate 3-4 times that of their white counterparts. The confinement rates of Hispanic and Native American youth are also quite high compared to white youth. Between 1977-1983 the numbers of incarcerated minority youth increased by 26% -- even as the number of these youth being arrested was declining. NCCD's research indicates that minority youth are much more likely than white youth to end up in public versus private facilities. Minority youngsters are disproportionately housed in the most secure juvenile facilities.

These statistics tell an ominous and tragic story about the juvenile justice system. The available research on minority youth crime does not offer a clear explanation about what may be creating the growing presence of minority youngsters in correctional facilities. Some have argued that high levels of minority incarceration are primarily due to the youths' active involvement in serious and violent crime. Other data suggest that this explanation is unsupported by solid evidence. Delbert Elliott and his associates urge us to examine police practices that may be resulting in a disproportionate number of minority youth being arrested and detained. Elliott and his colleagues found that if black and white youth reported committing equal levels of delinquency, the black youth were much more likely to be arrested and charged with more serious offenses. These patterns of police decision making can greatly impact subsequent court processing of youth as well as their treatment in the correctional system.

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We must also examine the availability of alternative community-based programs in minority communities. Researchers such as Troy Duster and Tom Joe direct our attention to the economic status of minority young people and their families. In particular, these scholars caution us that sustained high rates of unemployment among minority teenagers may produce even higher levels of serious minority youth crime in the future.

The dilemma of increasing minority youth incarceration encompasses a large and complex set of social concerns. I believe that OJJDP is in a special position to offer guidance to local communities seeking solutions. For example, the Concentration of Federal Effort component of OJJDP's mandate could be strategically used to launch some demonstration projects aimed at reducing minority youth crime and incarceration. OJJDP should be engaged in joint planning with the Department of Labor and the Department of Education around new programs to increase the employability of youngsters who are at risk of becoming chronic delinquents. One such effort might focus on improved vocational training and job placements for youth already under juvenile court jurisdiction.

OJJDP can also play an important educational role. Already planned by OJJDP is an effort to assemble the best research and programmatic data on minorities and the juvenile justice system. Following this crucial information gathering stage, OJJDP must be encouraged to mount an extensive national dissemination effort, organized around a series of state and regional conferences. At a minimum, OJJDP can assist jurisdictions in discovering inadvertent juvenile justice policies and procedures that may be exacerbating the problem of minority incarceration. OJJDP should encourage the field testing of community-based alternative programs that are geared to the special needs of various minority communities.

#### Conclusions

The need for a federal juvenile justice program remains greater today than ever before. Although the passage of the JJDPA has produced important reforms, much more needs to be accomplished. NCCD's own research and program experience suggests that three areas for priority attention are:

1. ending the incarceration of children in adult jails and lockups;
2. ensuring safe, humane and constitutional conditions of confinement for juveniles; and
3. reducing the large numbers of minorities in the juvenile justice system.

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OJJDP has a very broad mandate and there are many pressing needs in the areas of delinquency prevention and juvenile justice. But, it is my view that the issues discussed in my testimony must be brought to the very top of our national agenda of juvenile justice reform.

Over two decades ago an American President wrote the following:

The problems of crime bring us together. Even as we join in common action, we know there can be no instant victory. Ancient evils do not yield to easy conquest. We cannot limit our efforts to the enemies we can see. We must, with equal resolve, seek out new knowledge, new techniques, and new understanding.

Lyndon Johnson's message to Congress on March 9, 1966 began a bold effort to study and evaluate the nation's response to crime. That effort culminated in major reforms and in the substantial modernization of our criminal and juvenile justice systems. These words point to an ambitious and crucial mission for contemporary policy makers. I urge this committee to strongly reaffirm their commitment to the critical reform mandates of the JJDP. Our nation's children need your wisdom and leadership to ameliorate the very serious problems faced by the juvenile justice system.

# Children in Jail

*In jail, children and adults don't mix, say the authors. States are acting to ensure that when kids have to be locked up, they are kept apart from adult prisoners.*

By David Steinhart and Barry Krisberg

In August of 1983, 15-year-old Kathy Sue Robbins was arrested for leaving home without permission. She was locked in a cell in the Glenn County, Calif. jail. After four days of isolation, she committed suicide by hanging herself from a bunkrail.

Tragic incidents have occurred in other states as well.

A 15-year-old Ohio girl was incarcerated in the Lawrence County jail after running away from home. In the jail, she was raped by an adult guard. And in Idaho, a 17-year-old boy was arrested for failure to pay \$73 in traffic fines. He was placed in the Ada County jail, where he was tortured and beaten to death by other inmates.

Events like these have raised calls for statutory reform in states that allow the use of adult facilities for confining children. Twenty states have no law controlling the use of adult jails and lockups for children. Where statutes exist,

their effectiveness varies substantially from state to state. Only about 15 states have statutes that strongly discourage or fully prohibit the jailing of juveniles.

Since 1980, states receiving federal juvenile justice funds have been faced with a mandate to remove children from adult jails and lockups. States participating in the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 must meet a December 1988 deadline for total removal of children from jails, or suffer the loss of federal funds. In California, for example, failure to meet the deadline would jeopardize about \$4 million received each year; in Illinois, the amount is about \$2 million. These funds support a variety of juvenile justice programs at the local level, from community-based youth services to prosecutor and law enforcement projects.

Faced with a looming federal deadline, and with angry complaints about assaults and suicides in adult jails, legislatures in several states have acted to prohibit the incarceration of minors in adult jails and lockups. In 1984 and 1985, statutory reforms were adopted in the states of Missouri, North Carolina, Oklahoma, Oregon, Tennessee and Vir-

*David Steinhart is a California attorney and juvenile justice consultant to the National Council on Crime and Delinquency; he was the primary drafter of California's 1986 jail removal legislation. Barry Krisberg is president of NCCD.*



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ginia. In 1986, California and Illinois joined the list.

The new California law prohibiting the confinement of minors in jails for adults is a significant victory for child advocates in a state with a bleak record of jailing children in very large numbers. According to the California Youth Authority, in 1982 more than 99,000 juveniles (children under 18) were incarcerated in jails or lockups for adults in that state. This represents approximately 20 percent of all national admissions of juveniles to adult jails and lockups, though California has only about 10 percent of the national youth population. In 1984, the official count dropped to 11,249 minors in adult detention facilities, but the decline was due to a change in the counting method: Minors held for less than six hours were no longer included.

Several events made 1986 the year for action in California. A task force of business and community leaders, convened by the National Council on Crime and Delinquency (NCCD), had already identified the jailing of juveniles as a problem needing a legislative solution. In the spring of 1985, lawsuits were filed by public interest lawyers across the state, naming public agencies as defendants and pointing to state and federal law violations linked to the practice of confining children in adult jails.

Newspapers picked up the story as the suits were filed. The city of Long Beach, media reports said, was using its jail to hold about 4,500 minors each year. Many were runaways or castouts from their homes not accused of criminal violations, and some were small children and infants, victims of neglect housed in a makeshift nursery in the jail facility. Press coverage of another lawsuit, filed against the Los Angeles County sheriff's Norwalk facility, showed pictures of children shackled to a metal rail inside the jail.

Last January, state Senator Robert Presley agreed to carry an NCCD Task Force reform bill. Presley had experience on all sides of the issue. With a law enforcement background, he was chair of the Joint Committee on Prisons and Jails and an architect of successful California bond measures for new correctional facilities. Chairman of a Senate Select Committee on Children and Youth, he also was interested in providing a greater level of services to youth at risk.

Senator Presley was particularly distressed by the suicide reports. "Even one suicide is unacceptable," he said. "We need to guarantee that children, if arrested, are taken to an appropriate juvenile facility where the staff is trained to maintain secure custody and to cope with the fears and reactions of young people as well."

Presley's bill, SB 1637, went into effect in January, becoming one of the nation's strongest laws governing the jailing of minors. It prohibits the detention of minors in adult jails or lockups, with two exceptions: Jails may be used for minors under adult court jurisdiction, and police and sheriff's lockups can be used for minors over 14, but only for six hours immediately upon arrest. In both cases, strict conditions of separation from adult prisoners must be met.

Although controversy has surrounded the issue in states where similar legislation has been introduced, the proposed reform generated broad public support in California. The state attorney general announced his backing at a state conference on youth suicides. Two large probation lobbying groups, the state bar and important citizens' groups came out in favor of the bill.

The main opposition to Presley's bill came from the Los Angeles County Sheriff's Department and from small county governments.

The Los Angeles County Sheriff's Department, with some



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22 substations serving unincorporated areas of the county, was responsible for 60 percent of juvenile jailings statewide in 1984, according to the Youth Authority. Lobbyists for the sheriff insisted that the proposed law would hamstring their ability to serve the public. They complained that officers could not be spared to transport minors to juvenile halls, especially during rush hours on busy Los Angeles County freeways. They viewed non-secure alternatives to incarceration for youth as "babysitting" and a waste of officers' time. They sought to amend the bill, giving police and sheriffs' agencies six hours to hold minors upon arrest in adult lockups.

Advocates of the total removal of children from adult jails did not like the six-hour exception sought by the sheriffs, but conceded the point to preserve the overall reform and to avoid a veto by the governor, whose ties to the Los Angeles County sheriff are strong. The proponents were able to shape the compromise, however, by limiting six-hour detention in adult lockups to minors over 14 who posed a "serious security risk of harm to self or others" and by imposing other conditions. Those conditions include separation from adult prisoners, adequate supervision, and inspection and certification requirements for the lockups used to hold minors. The compromise also requires that minors held in a police or sheriff's lockup be told that they will not be kept in the adult facility longer than six hours.

Small county governments in California also expressed initial dissatisfaction with the jail reform bill. Many of the state's 58 counties are rural or mountain jurisdictions under severe budget constraints imposed by California's 1978 "property tax revolt" initiative. These counties, many without any juvenile detention center, could not afford to build and staff new facilities.

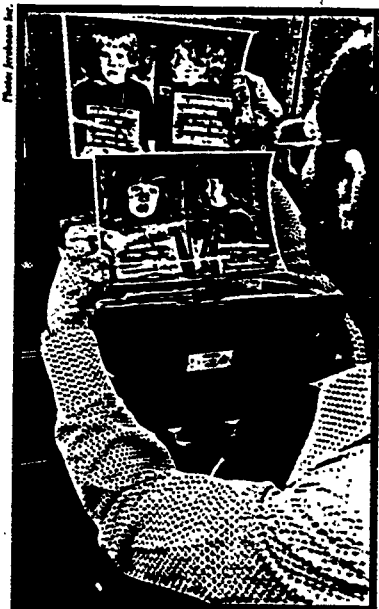
"We've closed the libraries and now we're having to cut back on police and fire protection," complained state Senator Barry Keene, who represents several smaller counties in northern California. "How can you expect us to enforce the law if we can't use the only secure facility we've got to hold young people who may be arrested for serious crimes?"

The solution, accepted somewhat reluctantly by a coalition of rural and mountain counties, was to tie the jail reform measure to another bill allocating \$2.5 million in bond funds to small counties for constructing juvenile facilities. Counties lacking juvenile halls also were given 2½ years to fully comply with the removal provisions. During the extension, these counties would receive technical assistance from the Youth Authority to develop separate detention alternatives.

**D**eveloping alternatives to jails for children has been a key to successful reform efforts in many states.

In New Mexico, law enforcement officials responding to litigation established secure rooms in group homes for minors needing detention upon arrest. In Colorado, the rugged terrain and alpine weather made it difficult to transport offenders to juvenile facilities. Reformers responded by setting up a pool of off-duty sheriff's deputies to transport minors swiftly to detention facilities, in lieu of keeping them in adult jails. In Utah, a detention screening system was installed so that law enforcement officials could make more accurate decisions about the need for juvenile incarceration in the first place.

Proponents of California's reform legislation cited examples from these states and others that had succeeded in developing alternatives to jails for children. After the bill was



introduced, the Youth Authority convened a statewide workshop, where juvenile program administrators from Colorado, Michigan, Oregon, Utah and Washington offered advice on alternatives to representatives of California county governments.

With key compromises reached, SB 1637 went to Governor George Deukmejian unopposed, and was signed in an about-face for the state that has led the nation in jailing children. It will eliminate most of the problem in California, and it appears to ensure the state's compliance with the federal mandate of the JJDP.

Illinois also passed a jail reform statute for children in 1986, but its law is less stringent than California's.

The Illinois statute permits a minor over 13 to be held for 24 hours in an adult detention facility. After 24 hours, the minor must be transferred to a juvenile detention home.

While the new law prohibits keeping minors in jails for more than 24 hours, it does not satisfy the federal requirements. Federal law, in effect, puts a six-hour cap on the time minors can be kept in adult facilities.

The Illinois statute appears to fall short of the federal standards on other technical counts as well. The detention home to which minors must be referred after 24 hours may be located in the same building as a county jail; the federal law allows this if certain tests of separation from the jail are met. But not all Illinois detention homes meet these tests of separation.



ration, such as separate entrances and separate staff. It remains to be seen how federal administrators of the JJDP Act will react to a statute that goes only part of the way toward compliance with the federal law, but state Representative Robert Regan believes it will be accepted.

Regan, who introduced the bill in the House, said that because the intent of the Illinois legislation is to protect juveniles and because it is economically possible to put into effect across the state, federal officials will rule it acceptable.

He believes the legislation will be of interest to other states that have diverse urban and rural areas.

"We fall a little short in Illinois," he explained, "but in a diversified state like ours with both large urban areas and many, many small counties with only two or three cells, we have to have a plan that is economically feasible."

Advocates of reform in Illinois had tried twice in previous years to legislate controls on the incarceration of children in adult facilities. Defeat of the earlier proposals came mainly at the hands of the state sheriffs' association. In Illinois, there are jails in 100 of the state's 102 counties, but there are only 13 juvenile detention centers. Sheriffs did not warm to the prospect of driving minors to detention centers in other counties. Nor did they believe they had a serious problem on their hands, since minors and adults were completely separated from one another in adult jails, under existing state law.

### Number of Juveniles Held In Adult Jails and Lockups<sup>1</sup>

State	Baseline <sup>2</sup>	Current <sup>3</sup>	Percent Achieved
			Toward Full Compliance
Alabama	1,180	992	15.93%
Alaska	864	817	5.44
Arizona	240	91	62.08
Arkansas	1,968	1,260	33.98
California	10,613	10,613	0
Colorado	6,112	1,437	76.49
Connecticut	0	27	100
Delaware	0	0	100
Florida	117	62	47.01
Georgia	130	60	53.85
Idaho	3,369	1,172	65.21
Illinois <sup>4</sup>	2,472	1,492	39.64
Indiana	9,352	5,345	44.04
Iowa	1,591	1,118	29.73
Kansas	1,110	1,110	0
Kentucky	1,018	1,274	-25.15
Louisiana	336	146	56.53
Maine	734	827	-9.68
Maryland	1	1	0
Massachusetts	1,346	1,346	0
Michigan	1,104	2,112	-91.30
Minnesota	1,439	1,361	16.97
Mississippi	334	182	45.51
Missouri	768	515	32.94
Montana	934	325	65.20
Nebraska	3,566	1,973	44.67
New Hampshire	502	579	-15.34
New Jersey	27	13	51.85
New Mexico <sup>5</sup>	8,060	8,060	0
New York	52	2	96.15
North Carolina	296	499	-68.58
Ohio	3,527	738	79.08
Oklahoma	7,457	7,457	0
Oregon	1,047	0	100
Pennsylvania <sup>6</sup>	exempt	exempt	
Rhode Island	970	1,770	-52.47
South Carolina	3,897	1,647	57.74
Tennessee	8,412	412	95.10
Texas <sup>7</sup>	12,353	3,140	74.58
Utah	188	77	59.04
Vermont	0	0	100
Virginia	3,578	808	77.42
Washington	415	149	64.10
West Virginia	189	5	97.35
Wisconsin	4,633	1,830	60.05
TOTALS	107,124	63,238	40.97

#### Footnotes

<sup>1</sup>States not participating in the Juvenile Justice and Delinquency Prevention Act Program: Hawaii, Nevada, North Dakota, South Dakota and Wyoming.

<sup>2</sup>All data are 12 month actual or projected for a 12-month period. The data do not include criminal type (delinquents) juveniles held less than 6 hours, juveniles having charges filed in criminal court, and juveniles held in those jurisdictions meeting the non-SMSA exception criterion.

<sup>3</sup>Baseline and current data are from 1984 JJDP Act monitoring reports (unless otherwise noted).

<sup>4</sup>Illinois and Texas data are that provided in 1983.

<sup>5</sup>New Mexico data are that provided in 1982.

<sup>6</sup>No data are available from Pennsylvania since the state is exempt from submitting a 1984 report.

<sup>7</sup>Any state whose base year is zero and has any number for a current year represents an incalculable decrease toward compliance.

Source: National Coalition of State Juvenile Justice Advisory Groups

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The 1986 reform effort in Illinois was spearheaded by the Illinois State Juvenile Justice Commission, which is the agency appointed by the governor to distribute federal juvenile justice funds in the state. Support also came from the state Department of Children and Family Services and the Illinois Collaboration on Youth, an association of youth-serving agencies.

But the effort lacked some of the ingredients that contributed to California's success. "There hasn't been a suicide by a juvenile in an Illinois adult facility in 12 years, and we haven't had any lawsuits," explained Anne Studzinski, administrator of Juvenile Justice Programs for the Department of Children and Family Services.

The debate over locking children in jails for adults is by no means over. In Minnesota, for example, legislation is now being drafted, but according to Dick Gardell, vice chairman of the Minnesota State Juvenile Justice Advisory Group, it does not yet have a sponsor. The outcome of the legislation cannot be predicted, Gardell said. Local county governments are skeptical of legislative reform and the state's sheriffs are divided over the extent to which jail removal efforts should be tied to statutory requirements.

The legislative outcome may be softened by the fact that much of the problem in Minnesota has been cured by expenditure of federal juvenile justice funds for alternatives to jails. Several Minnesota counties have installed "youth attendant" and shelter care programs for juveniles upon arrest. These alternatives have put a substantial dent in the number of Minnesota children locked in adult facilities, so that for all of 1986, the number was down to about a thousand.

In some states lacking a strong removal statute, progress toward compliance with the federal law has been spurred by litigation. In Colorado, New Mexico and Utah, lawsuits were filed by the Youth Law Center, a San Francisco-based, public-interest law group. Consent decrees in those cases have forced the removal of children from adult jails and the development of alternatives. In Oregon, a ruling in a federal court case, *D.B. vs. Tewksbury*, compelled the removal of children from adult facilities, and recently, the Oregon legislature modified its detention law to conform to the court ruling.

Mark Soler, executive director of the Youth Law Center, believes litigation can be a route to reform. Indeed, the pending suits filed by his organization against Long Beach, Los Angeles County and others had a strong impact on the success of the California legislation. Soler made it clear in meetings throughout the state that if the legislation did not succeed, his firm would be relentless in filing suits against counties that continued to jail minors without separating them from adults. County officials faced with the prospect of litigation were more inclined to go along with the legislative compromise.

State: that do not go far enough toward protecting children from the hazards of confinement in adult facilities may indeed be vulnerable to litigation in the future. The suits may be based on violations of state law or on federal and constitutional grounds. The Youth Law Center is likely to be involved if additional suits are filed.

"I just hope," said Soler, "that the next request we get to file a lawsuit does not come from the parents of a 14- or 15-year-old like Kathy Robbins, asking us to represent them because their daughter has died in some jail where she did not belong."

# Juvenile Corrections



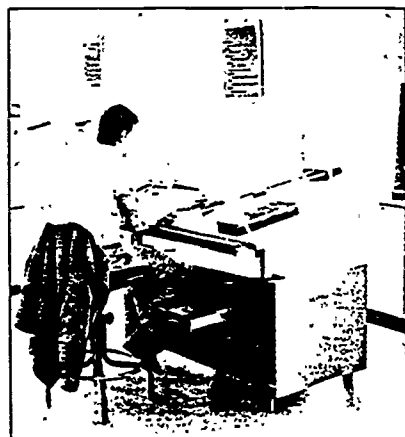
Allen F. Breed



Barry Krisberg

## Is There A Future?

*About the Authors: Allen F. Breed is chairman of the National Council on Crime and Delinquency and a member of the ACA Board of Governors; Barry Krisberg, Ph.D., is president of the National Council on Crime and Delinquency, San Francisco, California.*



Gathering support for a treatment-oriented model of juvenile corrections remains a difficult task.

Looking into the future is, at best, a hazardous enterprise. It is particularly difficult during a time of rapidly changing social policies. These policy shifts include a fundamental reexamination of how the justice system should respond to youthful lawbreakers.

There are those, for example, who call for the abolition of the juvenile court (Wolfgang 1982). Others argue for a new paradigm of juvenile justice based on the concepts of "individual responsibility and system accountability" (American Legislative Exchange Council 1986). At the National Center on Institution and Alternatives' recent conference "Reaffirming Rehabilitation" in Washington, D.C., hundreds of policymakers and professionals called for a rekindling of the rehabilitative ideal.

The field of juvenile corrections is very much caught up in these current debates. Moreover, these ideological disputes are taking place in a political context dominated by heightened public fear of crime and an increasingly restrictive fiscal environment. Forecasting the future of juvenile corrections requires an ability to assess how each of these trends will affect key policy choices made in the next few years.

Historically, juvenile corrections has not evolved from a set of rational or planned responses to explicit goals. Since the founding of the New York House of Refuge in 1825, the history of juvenile corrections has been governed by a repetitive cycle of institutional abuses and scandals, public exposure of these severe problems, and spurts of reformist activity. After brief periods of positive change, the juvenile corrections system usually has drifted back to its tragic cycle of abusive practices.

Reformers have attempted to break this cycle through: 1) promulgation of professional standards by groups such as the U.S. Children's Bureau, the American Correctional Association, the American Bar Association, and the National Council on Crime

sist Delinquency; 2) federal legislation on delinquency prevention and juvenile justice enacted in 1968 and 1974, and 3) litigation from as early as *Ex Parte Crouse* [4 Wharton PA 9 (1838)] to the landmark U.S. Supreme Court decision in *Movier v. Torman* [400 U.S. 322 (1976)]. Yet none of these approaches has completely and permanently ameliorated the abuses occurring in juvenile corrections.

The general public rarely learns about juvenile corrections except when scandals and abuses are being aired. More than a decade ago, the poignant journalism of Howard James (1970) and Kenneth Wooden (1976) swelled great public outcry and led to some laudable changes in program and policy. In recent years, no popularized investigation of juvenile corrections has emerged, even though juvenile corrections is facing fundamental problems and critical attacks. Accurate data about the numbers of incarcerated juveniles, conditions of confinement, correctional expenditures, and recidivism rates are rarely made accessible to key policymakers and opinion leaders. Thus, the general citizenry and their elected representatives cling to a pharisaic ignorance about the dilemmas—and potential remedies—facing juvenile corrections.

### History Repeats Itself

Once again the field of juvenile corrections is in the midst of a cycle of abuse and scandal. News accounts and judicial decisions from around the nation document a staggering array of incidents of mistreatment of incarcerated juveniles and of deteriorated professional practices. A series published in the *Los Angeles Times*, for example, alleged that "disruptive youngsters [in California Youth Authority institutions] are spread-eagled on metal bed frames in isolation cells [with] . . . their wrists and ankles bound with leather cuffs." The same report cites that, "In Orange and San Diego County Juvenile Halls, obstreperous youngsters are strapped to their beds." In Los Angeles County, "Children as young as 11 are required to march in silence and eat their meals in silence" (Hurtz 1984).

The U.S. Department of Justice recently investigated allegations of civil rights violations at juvenile halls in San Francisco and Los Angeles counties and in at least one California Youth Authority institution.

In *Gary v. Hegstrom* [(77-1039-BV (D-Oregon) unpublished opinion, 1984.13)], a federal judge ruled that isolation was used excessively and inappropriately at the McLaren School for Boys. The court also found that cells were dirty and unsanitary, and physical restraints were used as a substitute for programming and adequate psychiatric services. In the Florida case, *Bobby M. v. Graham* [(No. TCA 83-7003 N.D. Fla. July 5, 1983)], a federal judge ordered state officials to take immediate steps to "discontinue hogtying [and] . . . shackling to fixed objects."

The director of Colorado's Department of Institutions, Frank Trelor, described his state's detention centers as follows: "conditions are horrendous . . . These inmates don't have anyone who represents their interests" (National Council on Crime and Delinquency 1985). Colorado's detention centers were cited by state health officials for asbestos pollution, rodent and vermin infestation, and major fire hazards.

Delaware recently issued a "request for proposals" calling for the creation of a privately operated shelter facility that would house dependent, neglected, mentally ill, and delinquent youths (Department of Services for Children, Youth and Their Families,

Division of Program Planning and Productivity 1986). These plans are going forward even though the practice of commingling delinquents, status offenders, and nonoffenders has been condemned by most professional groups and is discouraged by federal law.

### Glaring Needs

These sad developments, which are all too commonly found throughout the nation, are merely symptomatic of the powerful forces that are battering juvenile corrections. Juvenile facilities are becoming increasingly crowded, and the physical plants of many juvenile facilities have been neglected. These deteriorating public facilities are housing an ever-increasing and disproportionate number of black, Hispanic, and Native American youths. Despite the glaring operational needs of juvenile corrections, the public has grown skeptical of the alleged high cost of confining youthful offenders in specialized facilities. There are calls to transfer more juvenile offenders to adult prisons and to cut costs by contracting with the private sector to run juvenile correctional facilities. Moreover, many dedicated juvenile correctional professionals appear to have lost a clear sense of what their mission is and how it is a part of the larger juvenile justice system.

For most juvenile correctional practitioners, the dominating philosophy has been one of treatment and programming that operates in the best interests of the child. The treatment ideology has remained strong in the juvenile field even as it has been largely abandoned in adult corrections. However, today there are serious doubts being raised as to the effectiveness and equity of many juvenile correctional treatment programs. There are great

*Continued*



Some states are seeking to recapture individualized treatment for juvenile offenders.

## JUVENILES Continued

pressures to reorganize professional practices around the principles of public protection and victims' rights.

One result of these countervailing forces has been a profound confusion among practitioners about the basic goals and objectives of juvenile corrections. The juvenile correctional profession has apparently lost its ideological underpinnings. Amid ambiguity as to its mission and an adverse political and fiscal environment, juvenile corrections is moving toward an uncertain and highly tenuous future.

### Current Trends

Before considering various possible futures for juvenile corrections, a few key facts that are harbingers of future trends should be reviewed. The most significant statistical trend involves changes in the youth population. Between 1971 and 1982, the U.S. youth population eligible for juvenile court jurisdiction declined by 8.4 percent. This decline is expected to continue throughout the 1980s. Thereafter, increases in the U.S. birthrate during the last few years of this century are expected to produce an upswing in the number of youths in the mid-1990s or an echo of the Baby Boom.

The shrinking youth population has led to a sharp decline in juvenile arrests. For example, from 1975 to 1982 the total number of juveniles arrested declined by 15 percent. During the same period, juveniles arrested for violent crimes also declined by 15 percent.

While the number of juvenile arrests was dropping, police were referring a higher proportion of those arrested to the juvenile court, and the court was meting out stiffer sentences (Krisberg, Schwartz, Litaky, and Austin 1986). The net effect of these

*Tragically, juvenile facilities are becoming minority enclaves in which conditions of confinement are becoming ever more harsh.*

Juvenile justice trends was a slight decline in the admissions rate to juvenile correctional facilities but an increase in the number of youths incarcerated on a given day. The rise in the number of youths being confined was primarily due to increased lengths of stay. For example, between 1974 and 1982 the one-day counts in detention centers increased from 11,010 to 13,048. Training school populations declined by 9 percent between 1974 and 1979, and then climbed back by 8 percent between 1979 and 1982. By 1982 (the latest available national data), 14 percent of the nation's detention centers and 36 percent of the nation's training schools were chronically crowded.

Data received from individual states indicate that, since 1962, crowding has become a severe problem in most institutions. While there was modest growth in expenditures for operating detention centers, expenditures for training schools were barely keeping pace with the rate of inflation and seldom provided resources for incarcerated populations (Krisberg, Schwartz, Litaky, and Austin 1986).

Another ominous statistical trend was the growing proportion of minority youths confined in public juvenile correctional

facilities—in 1982, more than half (53 percent). By contrast, nearly two-thirds (65 percent) of those confined in private juvenile correctional facilities were white. Moreover, between 1979 and 1982, when the number of incarcerated youths rose by 6,178, minority youths accounted for 93 percent of this increase. Further, it appears that this rise in minority youth incarceration can-



The shrinking youth population has led to a decline in juvenile arrests.

not simply be explained in terms of higher rates of minority youth crime (Krisberg, Schwartz, Fishman, Eisikovits, and Gutman 1986).

In sum, juvenile correctional facilities are increasingly crowded, residents are disproportionately minority youths, and periods of confinement are longer. Many juvenile correctional budgets have not kept pace with the needs for facility maintenance, increased populations, or provision of basic inmate services. Tragically, juvenile facilities are becoming minority enclaves in which conditions of confinement are becoming ever more harsh. Correctional officials also report they are receiving growing numbers of inappropriately placed mentally ill youths; there are inadequate resources to care for these troubled youngsters.

Unfortunately, the severe problems of the juvenile corrections system have been overshadowed by the crisis in adult facilities. The enormous public policy dilemmas of prison and jail crowding have monopolized the attention of the public and their elected officials. Consequently, there has been little investment either in expanding the bed capacity of the juvenile correctional system or in developing workable alternatives to total confinement.

It is worth noting that the mounting problems of juvenile corrections are occurring at a time when the general youth population is declining, and juvenile arrest rates are dropping. Demographic forces producing these declines are now reversing. In seven to 10 years, there will be a new surge of adolescents go-

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ing through their high-risk years in terms of youth crime. Unless the approach to juvenile justice is restructured now, this new wave of adolescence will produce even higher rates of incarceration than is currently the case. Moreover, it is extremely unrealistic to believe that enough juvenile facilities can be built to stay ahead of this problem.

### Possible Futures

Given these grim facts, it is legitimate to question whether juvenile corrections has a future. When juvenile correctional facilities held large numbers of status offenders and dependent and neglected children, it was easier to promote a mission based on child protection and prevention. With a new clientele dominated by violent offenders and repetitive property offenders, however, it is much more difficult to develop support for treatment and rehabilitative services. If the public believes that nothing works, then juvenile corrections seems destined to become a series of warehouses holding children no one else wants.

There is a looming crisis facing juvenile corrections that may well parallel the imbroglio of crowded prisons and jails. The most predictable result will be a growing number of lawsuits challenging the constitutionality of conditions of confinement. Pressures of pending litigation may cause some jurisdictions to engage in short- and long-term planning to remedy substandard conditions.

In this public policy setting, juvenile corrections must search for a new mission to bolster its professional image and to earn back popular support. This search now covers several potential directions. One such direction involves reintroducing status offenders into juvenile facilities. This policy is being justified in terms of the alleged failures of the reform movement to deinsti-

*Historically, juvenile corrections has not evolved from a set of rational or planned responses to explicit goals.*

institutionalize status offenders. Further, it is asserted that status offenders are being cast to the urban streets, where they are exploited and victimized. A recent task force on missing children, established by U.S. Attorney General Edwin Meese, concluded that deinstitutionalization policies were directly contributing to the allegedly growing numbers of missing children. Many state legislatures are considering expansion of the juvenile court's authority to securely detain status offenders. While many youth advocates have vigorously opposed these legislative initiatives, the ultimate outcome lies in the balance.

Concerns that the movement to deinstitutionalize status offenders has created significant gaps in services for troubled youngsters may be valid. Many communities failed to fund the required alternative community resources called for by the advocates of deinstitutionalization. Yet it is by no means clear that returning status offenders to secure detention facilities is the most desirable societal response to the very real needs of these youths. Any proposal to reincarcerate status offenders must answer serious public policy concerns about 1) the commingling of status offenders with serious offenders; 2) the overreliance on institutional placements versus home-based preventive services; and 3)

the danger that status offenders will be unnecessarily drawn further into the juvenile justice process.

### More Punishment?

A second possible direction for juvenile corrections is to increase the emphasis on punishment as a central goal. Proponents of this strategy argue that treatment programs have failed, and that the public is demanding juveniles be accountable for their criminal behavior. This policy scenario would be as follows: 1) more juveniles would be transferred to adult facilities; 2) the average length of incarceration for juvenile offenders would more closely approximate that of adults; 3) sentencing for juveniles would be more determinate; and 4) correctional programs would focus on work and restitution to victims.

Indeed, many jurisdictions are already headed in this direction. Between 1975 and 1982, 29 states passed revisions to their juvenile codes emphasizing greater punishment for juvenile offenders (Krisberg, Schwartz, Linky, and Austin 1986). In 1979, Washington state enacted a comprehensive revision of its juvenile code based on principles of presumptive sentencing for youthful of-

*Winning political support for a treatment-oriented, community-based model of juvenile corrections remains a difficult task.*

fenders. It is worth noting that soon after the Washington code was implemented, the numbers of youths in detention and training schools climbed dramatically.

One serious danger posed by the punishment model for juvenile corrections is that crowding will worsen, and the public will not be willing to increase expenditures to confine more juvenile offenders. Even more troubling, the move toward a more punitive approach may blunt the response of public officials to the continuing examples of abuses in juvenile facilities. Some juvenile correctional officials claim the public may actually support abusive practices. Moreover, the move toward punishment will likely alter the types of persons who wish to work in juvenile corrections. There is little reason to be optimistic about the results if juvenile facilities take on the character of most adult prisons and jails.

### Recapturing the Vision

A very different policy direction for juvenile corrections would be to seek to recapture the traditional vision of juvenile justice. Creating this future would entail pursuing the best interests of the child by implementing truly individualized treatment plans and expanding the range of treatment options available to the court. This view of juvenile corrections sees secure confinement as a limited resource that should be used sparingly. Large-scale congregate training schools are replaced with a diverse array of community-based programs.

*Continued on page 20*

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Massachusetts and Utah are examples of this approach to juvenile corrections. Both states have sharply reduced their institutionalized juvenile populations and implemented extremely successful treatment alternatives. The community-based systems of both command broad-based political support, and preliminary research from both states suggests promising results in reducing recidivism. Efforts aimed at implementing a more community-based model of juvenile corrections are currently under way in Colorado, New Jersey, West Virginia, Pennsylvania, Oregon, North Dakota, and Texas. The success of these states' efforts may well determine the future of juvenile corrections across the nation.

Winning political support for a treatment-oriented, community-based model of juvenile corrections remains a difficult task. Correctional reformers must demonstrate their capacity to screen out dangerous offenders and provide appropriate, secure custodial settings for violent youths. They must learn how to garner influential political support for severely disadvantaged clients. This last possible future for juvenile corrections seems the most promising in terms of defining an ennobling mission for practitioners and rescuing a profession that is adrift. To pursue this revitalized vision of juvenile corrections will require leadership from those in the juvenile corrections field as well as new alliances with others working on behalf of troubled children and their families.

Perhaps the current political environment is too hostile to support growth of a humanistic and rational approach to juvenile corrections. However, we have no choice but to struggle toward a more enlightened vision of juvenile corrections or succumb to a policy direction that promises little in terms of increased public safety or the best interests of youths.

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DECEMBER 1986 CORRECTIONS TODAY

Mr. KILDEE. Our next witness is Lieutenant Gardell. We look forward to your testimony this morning.

Lieutenant GARDELL. Mr. Chairman and members of the subcommittee, I am Richard Gardell and I am here today to represent the National Coalition of State Juvenile Justice Advisory Groups.

I am a member of the National Steering Committee of that organization by virtue of the fact that I chair the Midwest Regional Coalition, including the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; and I am the Vice Chair of the Minnesota Juvenile Justice Advisory Committee.

I am also employed as a lieutenant for the St. Paul Police Department.

I am pleased to be invited here today to share with you some of our concerns and positions with regard to the Juvenile Justice and Delinquency Prevention Act.

The State Advisory Groups, as part of the Act, have been mandated to advise the President, Congress and the administrator and we use this coalition to develop information from the States and provide that information to you.

We have developed several recommendations which I have put in my prepared testimony and I would encourage your consideration of all of those recommendations since they have come from the States and be developed through the States to a national perspective.

I would like to focus on today briefly some of the things, some of the successes, some of the actual improvements the juvenile justice system has undergone as a result of the Juvenile Justice and Delinquency Prevention Act and to tell you a few things that we would like to see emphasized again as the Act is reauthorized.

First, let me tell you about the things that have gone on in the juvenile justice system around two mandates, the deinstitutionalization mandate and the jail removal mandate.

As you know, the deinstitutionalization mandate has been in effect since 1974 and a tremendous amount of progress has gone on to improve the services, the status offenders as States have worked towards complying with and maintaining the mandate.

I can point to hundreds of shelters for runaway youth throughout the country that first developed to be a place for runaways to go and soon learned that you need to do more than just have a place for a runaway to go, you need to be able to provide services, to develop techniques that will develop trust within the runaways and keep the runaways in a shelter and provide the services long term to be effective in dealing with this population.

The runaway shelters have made tremendous strides first in keeping them there; first in building the trust levels that these runaway youth need because in fact they don't trust the system. They don't trust the system at all. They run because they don't trust the system and they need to have an opportunity to build that trust again within the system.

Second, they develop a tremendous amount of security measures from situational analysis of the individual at that particular time, is that person going to run, under what circumstances, what do we need to do to keep that person from running, to keep him in a shelter without locking him up.

They have done one-on-one counseling and monitoring of that individual and made great strides in providing these services. They have also noted that this population requires counseling, mental health services and some basic health services also, nutrition, clothing and those kinds of things which are provided through the runaway services.

Also a population of status offenders that is often overlooked when we start talking about the DSO mandate because we go to the runaways and homeless youth and forget about the truants and incorrigible that also need service.

We have seen a tremendous improvement in the truancy programs. Often even in my own State until very recently we would find that a truant kid, a kid that is not going to school, could progress through the juvenile system, could end up basically in a State institution because he didn't go to school.

We have found through other types of truancy projects that not only is that a waste of our resources of a child being taken through the juvenile justice system and incarcerated, but it is a way to public resources because that child is no threat to public safety. The child needs structure and guidance to remain in school.

I draw your attention to a project that we are proud of in St. Paul where children that are chronic truants are put into the program, given one-on-one guidance by individual truancy specialists and carried into the school program and guided through a school program.

The intensive truancy project is important in that it has developed some very innovative sanctions short of putting a kid in a locked cell to get his attention.

The sanctions include things like if a kid misses a day of school, it is the truancy specialist's job to get him to school, but if he misses that day of school, he makes it up, so the more days he misses in the project, the longer he is in the project.

If that doesn't work, they move to a structure of community work in the school working with the teacher doing cleaning of the facilities, whatever it might be, to bring him back into the school community.

If that doesn't work, they have tutoring classes to tutor him one on one to make sure he is getting into the guidance. If that doesn't work, they have an alternative school.

So that sanctions have been developed, that will get the kid's attention and keep him in a structured environment without having to pull that kid off the street, out of his home, into a secure setting for a short period of time, again a vast improvement into the services we are providing our youth under the DSO mandate.

This is a nationwide project that you will see in many of the States around the country. The one thing I would caution you about DSO and any of the mandates of the Act is that, yes, the juvenile justice system is improving under the mandate, it has become a goal and the States have developed a tremendous amount of innovative ways of accomplishing that goal, but we also need to maintain it.

It is the experience of my State and States across the country that once you have achieved the goal, you must also maintain the maintenance. That maintenance requires not only a monitoring of

the system of the practices of making sure that the system isn't slipping back away from the good public policy into something that is more convenient but a reeducation of the ever changing work force.

As a new police officer comes on the job, you must understand why it is important for him to treat the juvenile offender in the way he treats him. He has to understand what kind of consequences there are for secure confinement of that child as opposed to putting that child into a services-oriented treatment program like a youth service bureau or a runaway shelter and that education and reeducation is continually required throughout the States that are maintaining the mandate and I encourage you to consider that as you consider reauthorization of the action.

It is an important good public policy mandated and needs to be maintained regularly. Likewise, in the jail removal area.

I support Dr. Krisberg's statements that the jail removal issue is critical the juvenile justice system. It is probably the single most issue in many States that has greatly increased the quality of care that juveniles receive while in our custody.

First, beginning with reporting systems, many, many of the States as they set out to develop a jail removal project first develop reporting systems.

It was amazing to find that many States couldn't even keep track of the kids they had in custody, they couldn't tell you how many they had, where they were, how long they were in custody, whether they were in a juvenile justice detention facility or an adult facility.

Those reporting systems have been greatly improved since the 1980 mandate and are helping States keep better track of their children in custody.

Once they had a handle on how many kids were in their adult facilities, the mail removal mandate was the motivation for improving the conditions within the jails.

The separation mandate required children to be separated by sight and sound from adults in an adult facility.

It took them away from being put in the same cell and gave them some measure of security, although we know by practice that measures of security is not enough.

The jails themselves have improved, the services provided to the kids in those facilities have improved, but we all know that again as Dr. Krisberg pointed out there are still a tremendous amount of tragedies and the tragedies are only a small portion.

We hear about the worst situations, but I would submit to you that often all the kids that are put in a secure detention facility are harmed in some way or another and we need to make sure whether we are putting someone in a detention facility that we weigh the potential harm to that individual against what kind of degree of increase in public safety we would get by incarcerating that individual for a short period of time.

One counselor that worked with children a lot pointed out to me if a kid goes into secure detention angry, he becomes engaged. If he goes in depressed, he becomes suicidal. If he goes in suicidal, he comes out dead, and if he goes in impressionable, he will be impressed by the criminal element.

That speaks to the reason we need to continue with the efforts of the States to remove kids from adult jails.

The 75 percent substantial compliance requirement about the jail mandate, we are past that deadline. The 75 percent compliance requirement was put in the Act in 1984, actually it was a Federal regulation before that, and added to the Act in 1984.

It basically says that you take your base-line data in 1980 and you need to have reduced the number of kids you put in jail by 75 percent by the deadline.

Unfortunately, there are several problems with that particular measure. Being the only guide to whether or not a State has made substantial compliance.

First as I have told you, many States have drastically improved their reporting systems so their base-line data in 1980 is nowhere near as accurate as their reporting data is in 1987, so when they show reduction, it does not reflect an accurate reduction in the number of kids that have been removed from adult jails.

Mr. GARDELL. Secondly, there are many other criteria that could be considered to show that a State has actually made substantial compliance. Whether or not they have removed all status offenders from adult jails; whether or not they have reduced the number of jurisdiction.

In my State, for instance, there are 87 counties for us now, although we are not in the 75-percent compliance, but we only have 15 counties of the 87 that are now holding juveniles—have they reduced the number of jurisdictions? Have the detention criteria been placed in the States so that they are making sure that they are not jailing people that don't provide a threat to the public safety and so on?

There are several of these kinds of criteria—excuse me, I left out one very important one, and that is legislation. Has legislation been passed that limits—at the State level, limits the placing of juveniles in adult jails?

All of these things should be considered to show that States are working toward full compliance. We would urge you to reconsider the 75 percent and allow the States that wish to participate, to continue to participate to remove juveniles from adult jails, because, as I have mentioned, it is a key issue in our States.

I would also want to impress upon you that the State advisory groups fully support the mandate and the mandate deadline as it is stated in the Act. I am only referring to the substantial compliance requirement in that many States have made substantial compliance, just not reflect in their 1980 to 1987 base line data.

With that, I would like to move on to a couple of other issues of the Coalition. The first is in the formula grants area. I mentioned a couple of successes in the juvenile justice system. The States use the formula grants dollars to help provide for those successes. They fund programs that provide direct services to youth, and they use those dollars much more than ever before to provide cooperative efforts where programs are funded locally, at the State level, and with these Federal dollars to provide services to youth.

These cooperative efforts have been extremely successful. I know of several jail removal examples of that today, where the Federal dollars are just a small portion, but it is enough of a portion to get



it started, to get it initiated, and then, after the 3-year life of the Federal dollar stops, these programs are regularly being picked up by the State and local levels, and that is an important way to improve our juvenile justice systems.

The formula grant program is the way the State advisory groups and the States achieve the mandate, and is therefore, from our perspective, a very, very important part of this particular Act.

We support an increase in the dollar amount that goes into the formula grant program for that—for those reasons. We would also support an increase in the total appropriation to this particular Act. As you are well aware, over the—since about 1979 to the present, we have actually seen a decrease in the dollar amounts that go into the juvenile justice program.

Prior to 1979 and prior to that with LEAA in juvenile justice, about 90 percent of LEAA funds were going into a juvenile justice program as well as the juvenile funds.

In 1980, this program was funded, appropriated at \$100 million. And since then, 1981 appropriated about \$70 million. What that means is in terms of States, for instance, in the smaller States like—well not a smaller State in geography—for instance, in Maine, Maine received over \$550,000 for juvenile justice prior to 1980 through their formula grants programs.

In 1980, when it was funded at \$100 million, Maine received over \$300,000. Since 1981, they have received only \$225,000, which is the minimum amount that a State can require.

Given the critical issues of jail removal and other issues that require juvenile justice dollars to provide services to our youth, we would highly encourage you to consider the appropriation at the \$100 million dollar level.

And lastly, and I started to talk in terms of appropriations, I started to talk about those States that received a minimum amount, the \$225,000. States like Maine and Vermont are good examples of this minimum dollar amount. It doesn't seem—those States are having a particularly difficult time dealing with the jail removal issue. They are small population, high geographic areas like Maine. They are most affected by these cuts in dollars to their States.

As you see, Maine for instance, was cut in half by that, and since 1981, really there has been no inflationary adjustments either, so they have really been cut more than half of what they are used to receiving. We would suggest that you consider raising the minimum amount that a State can receive to the \$500,000 level, as opposed to the \$225,000 level now, to give them the opportunity to provide the services to the youth of their State that they need to provide.

Lastly, I want to talk about two areas of emphasis, advanced techniques within the Act that the Coalition finds to be extremely important. The first area is in the area of delinquency prevention.

It has been in the title of the Act since the beginning, and it is an important area for the State advisory groups. At the State level, because of the mixture of the people on the State advisory group, they are in a unique position to coordinate service and to provide prevention plans.



One good example is what is happening in Iowa now. They have taken a good education program, the law-related education program, and they have adapted it to the needs of their State by providing it in diversion programs, and even at their State training schools, so now if you are in a State training school, or if you are a first offender and diverted from the system, you have diverted into a law-related education program.

It seems to be a very successful program. It is a good example of what happens when you take people from different area, different practitioners and citizens, and put them together and let them adapt to services that are out there for the youth of their particular State.

It is working very well, so prevention is an area the SAGs can be effective at, the State can be effective at, and the Federal Government can be effective at by providing emphasis on information and coordinating, perhaps even through the Federal Coordinating Council Activities for Prevention of Delinquency.

Lastly is the area of minorities. The Coalition agrees again with Dr. Krisberg. The minority—this portion of representation of minorities in the system is a situation we need to take a hard look at. We have had a task force within the Coalition operating and looking at that for some time.

Some of the recommendations I mentioned earlier that are attached to my formal testimony come from that task force, and I would suggest that the—that as you reauthorize this Act, you consider making that particular issue an emphasis of the Act, and changing the Act to reflect that in all areas.

I will leave you with this summary: The Act has provided tremendous national guidance that has provided for the means to improve our juvenile justice systems, and it continues to provide that guidance and good public policy of the mandates.

We have got work to do in jail removal. The States remain committed to that particular work. We see it as a critical issue. We ask for your continued support as we work to provide you—provide each State in compliance with that mandate and to provide services for youth.

Thank you.

[The prepared statement of Richard Gardell follows:]

TESTIMONY OF

RICHARD J. GARDELL,

MEMBER

OF THE NATIONAL STEERING COMMITTEE

OF THE

NATIONAL COALITION OF STATE

JUVENILE JUSTICE ADVISORY GROUPS

BEFORE

THE UNITED STATES HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON HUMAN RESOURCES

SEPTEMBER 11, 1987

MR CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE;

I am Richard Gardell, member of the National Steering Committee of State Juvenile Justice Advisory Groups: Chair of the Midwest Coalition of State Juvenile Justice Advisory Groups, which includes the following states: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin: and Vice Chair of the Minnesota Juvenile Justice Advisory Committee. In addition, I am employed as a lieutenant for the St. Paul Police Department. I am very pleased to have been invited to share with you some of the accomplishments, concerns, and positions of those involved in implementing the Juvenile Justice and Delinquency Prevention Act at the state level, that is, the state advisory groups.

As you know, the members of state advisory groups are appointed by the governors of their respective states. Their responsibilities include advising the governor and legislature on matters relating to juvenile justice, including compliance with the requirements of the act; reviewing, commenting, and acting upon all juvenile justice and delinquency prevention grant applications; monitoring state compliance with the requirements of the Act ; developing a comprehensive state juvenile justice plan; and reviewing the progress and accomplishments of programs under that plan. Each SAG is made up of a unique mixture of practioners, policy makers, and citizens and represents a broad range of perspectives. As such, the SAG's have become a forum for juvenile justice planning and policy development at the state level. State advisory group members serve as volunteers and donate their time and energy to improve the juvenile justice system.

## MANDATES

The state advisory groups unanimously support the reauthorization of the juvenile justice and delinquency Prevention reauthorization of the Juvenile Justice and Delinquency Act. Great strides have been made in accomplishing the mandates of the Act. The deinstitutionalization of status offenders has given birth to a wide variety of system approaches and programs that serve the needs of this unique population. Programs such as the Bridge (Boston) and the Orion Center (Seattle) have proven that community based nonsecure programs can effectively address the needs of runaway and homeless youth. In addition, truancy programs like the Intensive Truancy Project (St. Paul) have created innovative and effective means of keeping our children in an educational program. Treating status offenders and their families in the community where they live remains the best public policy. Additional family intervention and support programs must be developed throughout the country. The Home Builders Program provides one such model.

Currently 48 of the fifty two participating states and territories are in compliance with the DSO mandate. It has been the experience of those states who have achieved compliance in this mandate that achieving it is one thing, and maintaining it another. System practices must be monitored regularly. And the regularly changing work force of practitioners must be educated and trained in keeping this mandate. The SAG's provide a critical role in providing this training, information and monitoring.

In achieving the Jail Removal Mandate, states have greatly improved the way in which they detain youth; beginning with the process of developing and monitoring a reporting system that accounts for the children held in secure detention throughout each state, then stimulating discussion and action to improve the conditions under which juveniles are detained, including the separation of juveniles from adults, and finally, implementing the use of separate facilities to detain juveniles as opposed to housing them with adult offenders. The use of community based alternatives and juvenile detention facilities are critical to the implementation of this policy. You are all aware of the tragedies that have occurred to juveniles while detained in adult jails. Remember also, the harm that is caused to a great many other juveniles whom we never hear about. In fact, warehousing a juvenile in an adult jail may have a deleterious effect. The Philadelphia Cohort Study concluded; "Not only do a greater number of those who receive punitive treatment continue to violate the law, but they also commit more serious crimes with greater rapidity than those who experience a less constraining contact with the judicial and correctional systems." A Minnesota Jail Removal Project, which provides community based alternatives to jail, has found supporting evidence in that, of the thirty eight youths they have served, none have been re-arrested for new criminal activity. So, states are not only removing juveniles from adult jails, but creating a system that effectively addresses the needs and treatment of juveniles at that critical time when they are taken into custody. These services are an essential difference between a juvenile system and one that is designed to hold adults until they appear in court.

Currently states are in substantial compliance with the jail removal mandate. Another states have made progress, but not achieved the 75% reduction required to be in substantial compliance. The 75% reduction measurement was placed in the Act in 1984, as a criterion for whether or not a state had made substantial progress toward achieving jail removal.

There are many other indicators of whether or not a state has indeed made progress. For instance, whether or not the state has passed legislation, whether or not the state has developed alternative programs, what detention criteria are in effect, if the state has reduced the number of jurisdictions that jail juveniles, or if the state has successfully removed all status offenders from adult jails. In addition, most states have dramatically improved the systems they use for tracking a juvenile that is securely detained. This system is necessary to understand the depth of the problem and monitor the solution. However, since it is more sophisticated than the system that was in place in 1980, the states are doing a better job of counting children in jails than in 1980. So their base line data may be low and their current percentage of reduction not an accurate reflection of the progress they have made. The SAG's strongly support the mandate of the JJDP, which requires the removal of all juveniles from adult jails by December 1988. However, we believe that the substantial compliance requirement should be reconsidered to allow all states who wish to participate to continue working towards achievement of complete removal. Based on the progress made so far, most states will be able to achieve full compliance if given this additional time.

## PREVENTION

Delinquency prevention has always been included in the title of the Act. Congress from the beginning has recognized the goal of keeping children and youth out of harm's way rather than caring for them after they have been hurt. Primary prevention remains an area of concern for the National Coalition. Strengthening and maintaining the family unit are the keys for successful prevention. Experts have identified nurturing, housing, nutrition, education, and health care as significant contributors to positive child development. Whether it is delinquency or child abuse there are examples of alternatives to preventing unacceptable behavior before it occurs rather than after. States have developed innovative approaches to prevention. For instance, in Iowa, they have taken the very successful law related education program and adapted it for kids in the juvenile justice system. So now, you can receive law related education in Iowa's training schools or as part of diversion program for first offenders. This illustrates yet another strength of the program; States adapting successful programs to meet the needs of the youth within their state. In Minnesota, a school curriculum developed by the Minnesota Coalition for Battered Women seeks to interrupt the pattern of child victims becoming adult victimizers by an educational program within the schools. Prevention remains an important part of the Act that warrants renewed energy and emphasis.



NATIONAL COALITION

The National Coalition was formed by the state advisory groups themselves in 1979. Since that time the coalition has worked to identify national issues from the state perspective and to share information from state to state in an effort to improve juvenile justice systems and facilitate the achievement of the JJDP mandates. In 1984 Congress recognized the achievement of the state advisory groups by mandating them to advise the President, Congress and the Administrator of OJJDP. These were functions formally provided by a national advisory committee which was abolished in 1984. Since 1984, the SAG's have held three national conferences and issued two reports. Our third report is being developed now and we will be glad to provide each of you a copy upon its completion. During this year's conference the SAG's formalized one of their greatest strengths: One state helping other states achieve a goal. In this case, those states who have achieved the Jail Removal Mandate conducted a hands on workshop for the states who were still working at it. Over this past three years the National Coalition of State Juvenile Justice Advisory Groups has developed a variety of recommendations for the President, Congress, and the Administrator of the OJJDP. I have attached a list of these recommendations for your consideration.

The state advisory groups are volunteers: they donate their time, energy, and talents to this responsibility as well as those responsibilities in their respective states. The National Advisory Committee had 500 thousand dollars as support for their activities. Currently, the SAG's receive no allocation to support these mandated activities. The SAG's in their attempt to fully carry out their mandated responsibilities need some financial support. We urge Congress to provide financial support to the National Coalition to support the functions they have mandated.

### APPROPRIATIONS

The JJDPA is an extremely effective piece of legislation which has lead to many improvements in the juvenile justice system. The unique structure of specific mandates, more general areas of emphasis, and a formula grant program which allows the states to individually implement these mandates and advance practices, is truly the strength of the legislation. Every participating state can point to successful programs which were initiated by funds from the formula grant program. These programs are the means with which states improve their juvenile justice systems, improve services to children of their state, and achieve the mandates of the JJDPA.

In many states these funds provide the motivation for local support of programs. Cooperative efforts funded with federal, state, and local dollars are common and add to the effectiveness of the formula grant program. In fact, these programs have proven to be so successful that they are regularly continued by state and local funds after the federal dollars have run out. Yet, the funding history of this program has realized a net reduction in the amount of dollars states have to achieve these goals. Prior to 1979 states received 19% of LEAA funds plus the juvenile justice money. In 1980 the same JJDPAs were funded at 100 million dollars. But since 1981 the appropriation has been 70 million dollars, with no cost of living increase for the past six years. At this time LEAA was no longer funded so all states juvenile justice money was drastically reduced. As costs rise and the dollars available to the states are dwindled by inflation, we must remember the needs of the children are no less important today. The National Coalition of State Juvenile Justice Advisory Groups supports an increase in the total appropriation of the JJDPAs to the 100 million dollar funding level of 1980. Likewise since the formula grant program is so important to the Act, we support increasing the percentage of the total appropriation that is designated for the formula grant program. Lastly, this reduction has had the largest effect on those states that receive the minimum amount of formula grant funds. Maine, for instance, received over 550 thousand dollars for juvenile justice prior to 1980. In 1980, Maine received over 300 thousand dollars. Since 1981, Maine has received only the minimum of 225 thousand dollars. An increase in the percentage of the total appropriation from its current level to eighty five percent (a measure we wholeheartedly support) would only increase Maine's funding by six thousand dollars. Vermont is in a similar situation. So, Congress should consider increasing the minimum a state can receive from 225 thousand dollars to 500 thousand dollars.

## CONCLUSION

The JJDPa has provided the guidelines and the means for improving the juvenile justice system nationwide. It has established a mechanism for citizens to be actively involved in advocating for improvements in the Juvenile Justice System and more innovative effective services to the youth of their states. The states have responded with a variety of systems and programs that have improved services to these youth. The mandates remain good public policy. More community based alternative programs are needed. Programs that support the child and the family in the community where they live still need to be developed and implemented nationwide. States need time and support to finish the job of creating a juvenile system that detains and treats juveniles separately from adults in a safe and effective manner. Jail removal is extremely important to the juvenile justice system. The implementation process has already improved the juvenile justice system, but much remains to be done. And much will be accomplished by the states with the continued support of Congress. Thank you.

APPENDIX

1. RECOMMENDATIONS OF THE NATIONAL COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS.
2. JAIL REMOVAL NARRATIVE (MINNESOTA).
3. MINNESOTA DEPARTMENT OF CORRECTIONS JAIL REMOVAL INITIATIVE.
4. MINNESOTA COALITION FOR BATTERED WOMEN SCHOOL CURRICULUM.

ISSUESIssue #

- A. The Congress mandate the establishment of a permanent Policy Board to oversee the Office (Page 41);
- B. The Administrator have not fewer than five years of progressively responsible administrative experience to qualify for nomination and that he/she be selected from a panel of names submitted by the Policy Board (Page 47);
- C. The Administrator be required to publish an annual program plan for the Office by July 1 for the upcoming fiscal year beginning October 1 of that same calendar year (Page 48);
- D. The various sections of the Act be amended to ensure compliance with policies established by the new Policy Board (Page 52);
- E. The issue of the inappropriate use of the valid court order be researched by the General Accounting Office (Page 52);
- F. That Sec. 204 of the Act, relating to the Concentration of Federal Efforts, be abolished and that funds previously used to support this Section of the Act be used to support other programs as determined by the Policy Board (Page 53);
- G. The State Advisory Groups be provided with the resources to carry out their mandates to advise the President, Congress and the Administrator (Page 54);
- H. The next reauthorization of the Juvenile Justice and Delinquency Prevention Act should place a high priority on the use of both formula grant and special emphasis funds for primary prevention.
- I. The mandate of the Act to deinstitutionalize status offenders and the provision for the least restrictive alternatives for status offenders should be retained.  
  
Consideration should be given to amending the Act to require the removal of status offenders from the jurisdiction of the courts,

## Issues (Con't.)

- J. Congress should increase funding for the Office of Juvenile Justice and Delinquency Prevention and require that Office to work cooperatively with the National Coalition of State Advisory Groups to review the effectiveness of existing treatment programs for juvenile offenders and to stimulate the replication of successful programs.

The National Steering Committee should continue its efforts to inform Congress of the need for treatment services for those youth involved in the juvenile justice system.

- K. Regional public hearings should be held by the House Subcommittee on Human Resources and the Senate Subcommittee on Juvenile Justice prior to the reauthorization of the Juvenile Justice and Delinquency Prevention Act, scheduled for 1988. The hearings should emphasize and explore the disproportionate incarceration of minority youth and seek to isolate its nature and extent.

Special attention must be placed on the unique jurisdictional status of Indian nations, including Alaskan natives.

- L. Congress should include language which specifically addresses the treatment of minorities within and outside the juvenile justice system in the reauthorization of the JJDP. The proposed emphasis on the needs of minority youth should be articulated in all sections of the Act, including formula grants, special emphasis, missing children, the Federal Coordinating Council, NIJJDP and any new initiatives which may surface in the 1988 reauthorizing legislation.

- M. That the Office be made a permanent part of the Department of Justice by incorporation into the Government Codes as an operating unit of government.

- N. That the Congress declares that the jailing of juveniles is a violation of Federal law for States participating in the Act and that juveniles whose rights have been violated are eligible to seek appropriate relief.

- O. That Congress declares it to be the policy of this Act that no juvenile can be held in any institution, detention or correctional facility in which conditions do not meet Constitutional and/or professional standards.



## Issues (Con't.)

- P. That Congress declares it to be the policy of this Act that no child, because of his or her legal status as a dependent, delinquent or status offender can be denied access to services or programs funded by the Federal government.
- Q. That Sec. 223(12)(A) be amended to eliminate the valid court order exception for secure detention.
- R. That Sec. 223 (A)(14)(i) be amended to permit the Office to grant exceptions due to hardships caused by extreme climate, geography and inaccessability due to lack of roads.
- S. That Congress amend Sec. 103(8) to include Alaskan natives.
- T. That Congress encourage the involvement of State Advisory Groups in the comprehensive planning for juvenile justice by designating them as having supervisory responsibility for the development of the State comprehensive plan.
- U. That Congress amend Sec. 224(a) to limit the discretion of the Administrator in appropriating discretionary and formula grant funds.

## Part IV: Program Narrative

A. Prior Efforts1) Conference on Minnesota Juveniles in Jail:

On November 14-15, 1984, the Minnesota Department of Corrections hosted an invitation-only conference with co-sponsorship by numerous groups (including JJAC), and using a grant from JJAC and technical assistance through OJJDP. The purpose of the conference was to bring together representatives of the many agencies and groups concerned with the issue of the jailing of juveniles—sheriffs, county, commissioners, judges, county attorneys, public defenders, probation officers, the Department of Corrections, the State Planning Agency, the JCR Task Force, JJAC, and citizen groups. The Conference was presented information on the jailing of juveniles in Minnesota, on legal liabilities, on federal and state laws and rules, and on alternatives to the jailing of juveniles. Participants divided into five separate work groups to discuss the issues informally and to determine how much agreement exists. There was a consensus that it would be best not to hold juveniles in jails, but there are many problems with implementation. (See Appendix 1).

2) St. Cloud Conference

On Friday, February 13, 1987 JJAC sponsored another conference on Juveniles in Jail. (See Appendix 2 for Conference Report and Agenda).

- 3) JJAC has contracted with Normandale Community College to coordinate two workshops (one in Mankato November 19 and one in St. Cloud November 20, 1987) on "How To Get Juveniles Out of Jail." The keynote speaker will be Mark Soler, Youth Law Center and TA has been requested from CPA through OJJDP.
- 4) Allocation of funds to support Jail Removal Minnesota has funded seven JR programs for a total of \$503,419. An additional \$572,922 is set-aside for JR programs (See Appendix 3).
- 5) Legislation: Senator Merriam, a JJAC member, introduced JR legislation as a separate bill in the 1987 Legislature (in 1985 - 86 JR was part of an omnibus Juvenile Code Revision Bill). JJAC members testified in support of JR and information was distributed to all member of the Legislature in cooperation with the League of Women Voters of Minnesota. The National Council of Jewish Women of Minnesota, and Child Hat (See Appendix 4 and Appendix 5).
8. Barriers to achieving full compliance with JR Perceived problems for the removal of children from jail include:
  - 1) Geography: One-half of Minnesota's population lives in the seven-county Metro area. Three of seven juvenile detention facilities are located in the Metro area, leaving four juvenile facilities to serve Minnesota's remaining 80 counties. Those outlying or low population areas face problems of geographic distance, limited personnel transportation and there usually are limited financial or personnel resources.

- 2) Attitudes, Resources, Quality of Services. Minnesota has always been credited with excellence in its delivery of services in the criminal and juvenile justice system. Quality services and a progressive attitude in corrections, especially for children, may be a barrier to overcome. Many times social change is prompted by illustrating unfair, unjust or inhumane conditions which are most often prompted by community advocacy. There have not been the "horror stories" or abuses of children in jail here in Minnesota as in some states. Failure to perceive children in jail as the most pressing juvenile justice problem may be the result of strict laws and standards which allow the jailing of juveniles only under carefully guarded circumstances. Minnesota is also a community-oriented state which results in the belief that a juvenile is "better off" in his/her community jail rather than a juvenile detention center 100 miles from home and family.

There is a mix of attitudes in treating children. Some individuals believe that the use of jails is not only appropriate, but actually beneficial. This attitude may be expressed in the guise of treatment or openly labeled as punishment. There is also the view that no option should be forbidden so that the juvenile court judges will have the maximum number of resources available to use at their discretion. (The other side of the issue is also often held. The frequency of abuse and suicide has made many sheriffs and County Boards reluctant to have the jails used for juveniles. This response may grow out of the recognition that abuse and death instances illustrate that the use of jails is not productive or it may grow out of the fear of liability in subsequent lawsuits).

- 3) Recent Focus on Juvenile Crime and Reduced State Resources. In recent years, budgetary problems have caused cutbacks in services which hinders efforts and services necessary to implement the removal of children from jails. Although many communities have services for youth that may be tailored to assist in the removing of all children from jails, many more will need additional supplements or new funds to start programs to ensure continuance of services for this effort.

During the last eight years extensive construction or remodeling has taken place to bring Minnesota jails up to standards. The recent budgetary problems have slowed progress considerably and an effort that requires funds to remove children may be a lower priority when it is compared to building facilities that will detain adult criminal offenders. Many already constructed or remodeled facilities may resist removal of juveniles when special separation provisions had to be included in their facilities' renovation.

#### C. Strategy for Removal of Juveniles from Adult Jails and Lockup

The removal of juveniles from adult jails and lockups is currently the number one priority of the Minnesota Juvenile Justice Advisory Committee (JJJAC). The removal of juveniles from jails is one of the three mandates of the JJJPA and is the only mandate with which Minnesota has not achieved full compliance. In order to meet this mandate JJJAC has set aside a large percent of its funds for jail removal than for any other program area. In addition, a subcommittee on the removal of juveniles from adult jails and lockups was formed. JJJAC has authorized this subcommittee to recommend

grants to jail removal programs at any time a worthwhile proposal is made rather than waiting until the annual funding cycle.

The jailing of juveniles has been a concern in Minnesota for some time. Minnesota law dictates that no juvenile under age 14 may be detained in jail for any reason (MINN. STAT. § 260.173, subd. 4(b)). Minnesota Jail Standards and the Department of Corrections policy have been strict regarding the length of stay for juveniles in jail correctional facilities and the conditions under which children are held. Each facility in Minnesota is licensed for 0, 6, 24, or 48 hours or 8 day approval to hold juveniles. (NOTE: Time approval is exclusive of Saturday, Sunday, and holidays except the DOC is interpreting the 6 hour, 24 hour, and 8-day approval without any exclusion). Strict enforcement of laws and standards for detaining juveniles has brought the issue of the jailing of juveniles to the attention of sheriffs, judges, and juvenile justice personnel.

Minnesota has seven secure juvenile facilities. Three facilities are located in the metropolitan area and the remaining four serve outstate Minnesota. Three additional facilities provide limited detention service but are nonsecure.

The first step in developing an effective strategy for the removal of children from jail was to complete a detailed assessment of the number of children being held, sex, reasons for holding, reason for release, location, and length of stay. Detailed information regarding the current practices for jailing children provides the necessary information to direct our efforts.

In 1986 the Jail Removal Subcommittee commissioned a consultant to visit the eight rural counties in Minnesota which are having the most difficulty with Jail Removal (JR). These counties were the ones who, in 1985, had the highest numbers in jail of status offenders (for any length of time) and delinquents held over the time limit in the jail (24 hours for rural jails and six hours for those counties considered metropolitan). The data for certification were obtained from the sheriffs through the Department of Corrections (D.O.C.) and further analyzed and refined by the Juvenile Justice Specialist. A very large share of the juveniles held in adult jails and lockups in Minnesota are held in these eight counties.

After intensive in-service by the Juvenile Justice Specialist and the Jail Removal Subcommittee, the consultant proceeded to arrange conferences with all persons in each county whose work impinged on the Jail Removal Mandate. He attempted to confer in person with five separate services in each county: 1) Sheriff; 2) Judge; 3) County Attorney; 4) Court Services; and 5) Human Services. Often, he spoke with several people in each service, because one of more were delegated to work with juveniles. Each person is given to understand that JAC was interested in their individual situation and how they saw their own problems relating to JR. He used as a guideline the questions already prepared by the JR subcommittee and assured people that anything they thought was important to the issue should be expressed.

The report contains eight individual sections, each dealing with one county. These all follow the same format: introduction, demographic data listing of persons to be interviewed, narrative result of each interview.

summary and recommendations. Up to two days were spent in each county & several interviews were conducted on the telephone. On the whole, the overwhelming majority of persons were cooperative, cordial and candid.

While much of the information is new, more important is how people are looking at their situation. Each county is unique in how they see their milieu. These perceptions are composed of the views and opinions of a few key people. The effort here is to offer relevant insights into how these people (and the constituents they represent) operate. It is the goal of the Jail Removal Subcommittee to use the information from this report to work intensively with the key people in each county to establish alternatives to the use of adult jails and lockups which fit the particular needs and attitudes of that area.

The interim strategy will be very similar to the strategy employed to achieve deinstitutionalization of status and non-offenders.

#### 1987

1. To support legislation that would prohibit the jailing of juveniles as outlined in the JJOPA. A bill is being introduced which will, if passed, outlaw any jailing of juvenile status offenders and limit the use of jail for other juveniles to the times in the mandate.
2. To provide technical assistance to communities in implementing the new legislation.
3. To develop and disseminate information to local officials regarding the liability issues in the jailing of juveniles. This will be accomplished through mailings, meetings and conferences.
4. To monitor all jails and lockup facilities regarding the jailing of juveniles with the Minnesota Department of Corrections. To direct special emphasis in facilities not demonstrating a reduction in the number of juveniles jailed.
5. To provide technical assistance to communities and organizations in the development of policy and procedures to facilitate the removal of juveniles from jails.
6. To provide a major share of Minnesota's JJOPA funds to programs to expand services to assist in the removal of juveniles from jail.
7. To aid in the design of programs that are funded with JJOPA funds.

#### 1988

1. To identify communities that are not reducing the number of juveniles jailed and actively pursue planning with those communities to reduce or remove juveniles held in jail.
2. To support legislation forbidding the use of a contempt citation as a means to the jailing of juveniles.

3. To continue to provide a major share of Minnesota's JJCPA funds to program to expand services to assist in the removal of juveniles from jails in the areas that have made the least progress.
4. To provide training to communities and organizations about effective programs designed to meet this need.
5. To monitor all jails and lockup facilities regarding the jailing of juveniles with the Minnesota Department of Corrections. To direct special emphasis in facilities not demonstrating a reduction in the number of juveniles jailed.

#### 1989

1. To continue to provide a major share of Minnesota's JJCPA funds to program to expand services to assist in the removal of juveniles from jails in the areas that have made the least progress.
  2. To aid in the transition of programs to local public and private funding.
  3. To monitor all jails and lockup facilities regarding the jailing of juveniles with the Minnesota Department of Corrections. To direct special emphasis in facilities not demonstrating a reduction in the number of juveniles jailed.
  4. To provide technical assistance and training to communities and organizations that will assist in continued removal efforts.
- D. Commentary on the Nine Elements
1. Nonsecure Alternatives. The six county JR programs funded by JJAC all provide non-secure alternatives. The OOC-County Voluntary Program will encourage the development or use of existing non-secure alternatives.
  2. Access to Secure Juvenile Detention. Most of the programs funded by JJAC provide for transportation costs and/or per diem reimbursement only for those juveniles who require secure detention. The OOC - County program will also.
  3. Objective Detention Criteria. All JR programs funded have developed detention criteria. Also, we would use these funds to survey detention facilities and develop models.
  4. Twenty-four Hour Intake. All programs funded have 24-hour intake capability, and we would develop/describe various approaches as models.
  5. Commitment from the Community. The first six JR program funded have court sponsorship and have reached agreement with all the necessary people (sheriff, courts, etc.). The OOC-County proposal will be voluntary on the part of the county but will require 25% match for each 75% reimbursement.
  6. Written Policies and Procedures. Again, programs funded have developed written policies and procedures. We would also survey facilities in order to develop models.

7. An Effective Monitoring System. In 1980 the Minnesota Department of Corrections Detention Information System (DIS) became operational for all Minnesota Jails (except Anoka, Hennepin, and St. Louis Counties). The DIS supplies the DOC Jail Inspection and Enforcement Unit with information regarding all inmates or juveniles housed in these facilities. On a daily basis the DOC Jail unit reviews this information to ensure that all Minnesota Statutes and all jail standards governing juveniles are followed (Minnesota jail standards governing the detaining of juveniles are extensive; they satisfy all requirements of the JJOPA). When a possible violation appears the jail unit contacts the facility holding the juvenile to determine the nature and reason for the possible violation and how the facility plans to remedy the situation. In addition, the jail inspectors make on-site jail inspections to each facility classified as a jail or juvenile detention facility and each facility is scored on its performance. Each municipality is inspected by the sheriff and the local health officer and a copy of that report is on file with the Jail Inspection Unit. Computerized monthly reports are supplied to the D.J.T. Justice Grant Program, which list every status offender and non-offender who entered any Minnesota facility. These reports are reviewed and cross checked with the inspection unit. Each suspected violation is traced back to the facility to determine if an actual violation has occurred and, if confirmed, reported to the DOC Jail Unit for action or enforcement.

Beginning in 1982 the DOC receives daily reports of all juveniles detained. The DOC traces all suspected violation, and if an actual violation has occurred, the information is turned over to the DOC Jail Unit for enforcement.

This monitoring procedure ensures the most accurate computation of statistics for monitoring the deinstitutionalization of status and non-offenders and the swiftest response to facilities in violation of Minnesota's detention law. It is also anticipated that the combined efforts of the DOC Inspection Unit and the D.J.T. Juvenile Justice Program will reduce the status and nonoffenders held in excess of 24 hours. By working closely with the DOC, this monitoring procedure assisted us in pinpointing communities needing technical assistance or the training necessary to ensure compliance.

This monitoring system supplies all necessary information to monitor Section 223(a)(14).

8. State and Local Sponsorship and Funding See 5. Commitment from the Community.
9. Legislation: Efforts to obtain JR Legislation were described above in A. Prior Efforts: 5) Legislation. The JJAC will continue to support legislation and under this grant will increase efforts to inform the public (in the Public Awareness Campaign).

Department of  
Corrections

*W. L. L.*  
OFFICE OF THE COMMISSIONER

October 4, 1984

Dear

On November 14 and 15, an important meeting will be held at Cragun's Conference Center in Brainerd, Minnesota to discuss the confinement of juveniles in jail in Minnesota. This topic is particularly important at this time.

- Changes in the state statute pertaining to the use of jail for juveniles may occur during the 1985 legislative session. The Minnesota Juvenile Code Revision Task Force is expected to forward recommendations for legislative action in 1985.
- A number of successful lawsuits throughout the nation indicate that liability for harm to juveniles in jail is a growing national phenomenon.
- Reliable information is now available on the use of jails for juveniles in Minnesota during 1982, 1983, and the first 6 months of 1984.
- Several states have developed low cost and effective local alternatives to the jailing of juveniles.
- The Juvenile Justice and Delinquency Prevention Act of 1974 requires as a condition for receipt of federal formula grant funds that "no juvenile shall be detained or confined in any jail or lock-up for adults" by December, 1985.

The Department of Corrections is hosting this meeting to discuss these issues and ideas. The meeting is being cosponsored by several other Minnesota associations and agencies: State Sheriffs Association, Juvenile Justice Advisory Committee, Association of Minnesota Counties, Hubert H. Humphrey Institute of the University of Minnesota, County Court Judges Association, Minnesota Corrections Association, and Association of County Probation Officers. In addition, there will be participation from the Governor's Office, Attorney General's Office, Legislature, Indian Affairs Council, Juvenile Code Revision Task Force, County Attorneys Association, Bar Association, and several interested citizens groups.



October 4, 1984

Technical assistance for this meeting is being provided by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. Room and meal expenses and printing costs are provided through the Minnesota Juvenile Justice Advisory Committee.

We are asking your organization to select five representatives to participate in this meeting. It is important that you strongly consider individuals from those areas of the state where jailing of juveniles is at a relatively high rate. If you have questions about which areas of the state we would recommend or any other questions regarding the meeting, contact Jay Lindgren of this office at 612-295-1055.

Please have your representatives forward the enclosed card no later than November 1, 1984. Thank you for your interest.

Sincerely,

Orville B. Pung  
Commissioner

OSP:dn  
Enclosure

CONFERENCE ON MINNESOTA JUVENILES IN JAIL  
CRAGUN'S CONFERENCE CENTER  
BRainerd, MN

Wednesday, November 14, 1984

- 10:00 a.m. Registration
- 11:00 Welcome and Opening Remarks  
Orville B. Pung, Commissioner, Minnesota Department of Corrections
- 11:15 Minnesota Use of Jail For Juveniles and the Federal Act  
Ira Schwartz, Senior Fellow, Hubert H. Humphrey Institute; Former Administrator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice  
Jerry Ascher, Juvenile Justice Planner, Minnesota Department of Energy and Economic Development
- 12:30 p.m. Lunch  
Luncheon Speaker  
Hubert H. Humphrey, III, Attorney General
- 2:00 Current Minnesota Laws and Rules  
Dennis Falenscheck, Director, Inspection and Enforcement, Minnesota Department of Corrections
- 2:45 Juvenile Code Revision  
David Nasby, Chairman, Juvenile Code Revision Task Force
- 3:15 Break
- 3:30 Juveniles in Jail and Legal Liability  
Mark Soler, Attorney at Law, Youth Law Center
- 4:30 Work Groups - Introductions and Preliminary Identification of Issues
- 5:30 Break
- 6:00 Cash Bar
- 7:00 Dinner

Thursday, November 15, 1984

8:30 a.m.      National Alternatives to the Jailing of Juveniles  
                  James Brown, Director, Community Research  
                  Center, University of Illinois  
                  David Ingram, Executive Director, Youth Centers  
                  Incorporated; Former Director of Social Services,  
                  San Carlos Apache Tribe

10:00           Public Policy and the Use of Jails With Juveniles -  
                  A Roundtable Discussion  
                  - Juvenile Justice Advisory Committee  
                  - County Commissioner  
                  - Probation Officer  
                  - League of Women Voters  
                  - Judge  
                  - Sheriff

10:30           Break

10:45           Discussion

11:15           Work Groups - An Action Plan For The Future

12:15 p.m.      Work Group Reports

1:00           Lunch  
                  Closing Remarks  
                  Orville B. Pung, Commissioner, Minnesota Department  
                  of Corrections

CONFERENCE ON MINNESOTA JUVENILES IN JAIL  
February 13, 1987

On Friday, February 13, 1987, the Juvenile Justice Advisory Committee (JJAC) sponsored a conference on Minnesota Juveniles in Jail at the Sunwood Inn and Convention Center in St. Cloud, Minnesota to discuss the confinement of juveniles in jail in Minnesota.

John R. Thunheim, Chief Deputy Attorney General; James Brown, Director of Community Research Associates of Champaign, Illinois; Richard Gardell, Juvenile Justice Advisory Committee Vice-Chair; J.P. Barone, Attorney and JJAC Member; Kim Dowell, Director of I.T.A.S.K.I.N. House (Grand Rapids); Ronald Otterstad, Undersheriff of Beltrami County; Jo Vene, Superintendent of Northwest Juvenile Training Center (Bemidji); Judge Gerard W. Rie of Olmsted County; and Judge George A. Marshall of Lyon County spoke to the participants about what other states have done to develop alternatives to jailing juveniles, Minnesota's alternative programs, lawsuits concerning jailing juveniles, and proposed changes in the statutes on jailing juveniles.

JJAC proposed legislation that limits the detention of juveniles in a county jail or police lockup to a maximum of six hours (if the facility is located within a metropolitan area) or not more than 24 hours, excluding weekends and holidays (if the facility is located outside metropolitan area).

In his opening remarks, John Thunheim pointed out the complexity of the issue. Is it unconstitutional to hold kids in jail? Are the alternatives too costly? Or, can we find low cost alternatives? We must balance our interest in being tough enough on kids who commit serious crimes against the anguish of the child who is abused in jail--and the child who commits suicide in jail. Our paramount goal must be justice. We must confront the tough issues and listen to other perspectives. There are no easy answers to the problems of getting children out of jail.

James Brown talked about alternative programs other states have developed. He gave examples of low cost, effective alternatives and emphasized the potential for personal tragedies when juveniles are jailed--suicide as a result of the child's isolation--and the potential for litigation--history tells us that the plaintiff always wins.

Many states have passed legislation limiting the use of jail for juveniles or totally excluding juveniles from jail. Such diverse states as California, Pennsylvania, Oregon, Michigan, Utah and Colorado have passed strong legislation prohibiting the jailing of juveniles. This legislation has energized creative and effective alternatives within the juvenile justice system and increased public awareness. State leadership and commitment is necessary to provide funds for good, efficient alternatives to jailing children.

Mr. Brown emphasized that moving juveniles out of jails is only the beginning. Juveniles who commit crimes have little stake in "the American Dream." We need to do something that will make a difference over the long term. We must train and develop healthy working relationships, develop a whole new idea in working with young people, and provide public and employee education.

He recommended that we look at the two kinds of juvenile crime separately--those crimes against persons and crimes against property. Those juveniles involved in crimes against persons should probably be left in jail, but watched. For those who commit crimes against property, he recommended several alternatives that are needed and that some states now practice:

- 24 hour holdover facilities in hospitals, hotels, state police barracks, or mental health facilities

Page Two

- trained professionals to watch over them
- foster homes
- group homes
- detention centers
- long-term residential facilities with a mentor program: should have someone a child can bounce ideas off, someone trained and who can take advantage of those "teachable moments" and supplement the probation officer. The child needs supervision and support; mentors can give it. We need a plan that deals with all the child's problems--social, vocational, job placement, follow up, education, goals, family problems, drug abuse. We can develop a cadre of mentors who can and want to help if not asked for too much or too often.

J.P. Barone discussed the likelihood of lawsuits when children are confined in jail in light of the 1982 Tewksberry case in Oregon in which the defendants (Columbia County Commissioner, Sheriff, Deputy Sheriff, Correction Supervisors, Correction Officers--everyone connected with the Columbia County Corrections facility) lost, even though the plaintiffs (the children) were not subject to physical abuse or neglect.

Kim Dowell talked about I.T.A.S.K.I.N. House, Inc., a county-owned home, renovated by the county. She discussed the advantages of this seven-bed, live-in house as an alternative to jail: full-time supervision, transportation to school, strong community support and commitment. The house has non-profit status, the county provides management services, and funds are provided by a JJAC grant. Conference participants raised concerns about happen to the program when the grant runs out.

Ronald Otterstad discussed Beltrami County's alternative programs. Beltrami County has a high number of high risk juveniles. They are incarcerated in county jails that are old and inappropriate for housing children. They do have Evergreen House, a non-secure facility, for runaways; however, they must transport juveniles who have committed crimes to the North Star Juvenile Training Center in Bemidji or the Moorhead Training Center. Transportation is a logistical problem and raises the question of whether it's safer to put a child in jail or transport them across the country. Also, the juvenile facilities are a good distance from a child's home, attorney, etc. The jails are near these support systems.

Joseph Vene also cited logistical and geographical problems as primary concerns in placing children in his facility in Bemidji.

Judge Gerard Ring posed several questions about our present juvenile system and offered guidelines for improving it. "Does our juvenile justice system make kids better?" "No, and can make them worse." Putting children in jail gives us control, but allows us to avoid human contact with them. And children become adults through human contact. Olmsted County's PACE program places children with people, with no structural restraints, not in jail. This may not be the cheapest, but the cheapest is not the best. "If we wanted the cheapest means, we could simply send the child home and put him or her in a box in the basement."

Traditionally our juvenile system has been attached to adult jails; it should be attached to group home or hospital. We must design a system that prevents a child from being put in a cell; it must be easy to operate; it must work; it must be reliable; it must be a humane environment. Jail could be such a setting and should be a place where no one need fear assault or abuse--but it does not always work that way.

Judge Marshall argued that we stress getting juveniles out of adult jails too much. Juvenile offenders should be detained locally, regardless of the facilities. We should focus on fair trials. We should not focus on the child's education after he/she has committed a crime, should spend money on preventive programs for juveniles.

Minnesota Juveniles in Jail .  
Page Three

The discussions that followed these presentations were lively, open, diverse, intelligent, and direct. Everyone seemed to agree on some issues, however:

- that children do not belong in adult jails. But, what do you do with those that should be detained? There are community alternatives such as youth attendant programs, in-home detention programs, shelter care facilities, detoxification unit or transportation to a juvenile detention facility. Each alternative has its own and effect. To succeed in removing juveniles from adult jails, the community must make a commitment to develop and use these alternatives. Also, good detention criteria can reduce the number of children detained overall, which will reduce the use of jails.
- that isolating a juvenile in a jail without proper supervision is inhumane and can cause psychological harm.
- that holding juveniles in jail could result in lawsuits.

Should the State of Minnesota legislate that juveniles not be held in jails for more than 24 hours, our peace officers and courts will need intelligent people to make intelligent proposals for alternative programs and to provide financial and public support.

If you are interested in receiving more information on alternative programs in other states within Minnesota, or have questions or concerns, please contact the appropriate person listed on the following page.

*Jenelle Ringnald*  
Jenelle Ringnald  
Conference Coordinator  
Juvenile Justice Advisory Committee

*Judy Bredesen*  
Judy Bredesen  
Chair  
Juvenile Justice Advisory Committee

JB:JA/dh

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## AGENDA

## CONFERENCE ON MINNESOTA JUVENILES IN JAIL

SUNWOOD INN & CONVENTION CENTER  
 Highway 23 & 4th Avenue South  
 St. Cloud, Minnesota 56301  
 (612) 253-0606  
 1-800-253-0606

Friday, February 13, 1987

- 8:30 Registration & Continental Breakfast  
 Congress & Senate Room
- 9:00 Welcome  
 Judy Bredesen, Chair, Minnesota Juvenile Justice Advisory Committee  
 (JJAC)
- Opening Remarks  
 John R. Tunheim, Chief Deputy Attorney General
- 9:15 National Alternatives to the Jailing of Juveniles  
 James Brown, Director, Community Research Associates  
 Champaign, Illinois
- 10:00 Discussion
- 10:30 Minnesota Perspective on the Use of Jail for Juveniles  
 Richard Gardell, JJAC Vice-Chair
- 11:00 Successful Lawsuits & Liabilities  
 J.P. Barone, Attorney and JJAC Member
- 11:30 Lunch  
 Garden Court (poolside)
- 1:00 Proposed Legislation
- 1:30 Discussion Panel: Alternative Programs and Judges' Perspective on Jailing  
 Juveniles
- Moderator: David A. Johnson, Detention Facility Inspection and  
 Enforcement Unit, Department of Corrections, St. Paul, MN
- Kim Dowell, Director, I.T.A.S.K.I.N. House
  - Ronald Otterstad, Undersheriff, Beltrami County Jail Alternative  
 Program
  - Joseph Vene, Superintendent, N.W. Juvenile Training Center, Bemidji, MN
  - Judge Gerard W. Ring, Olmsted County, Rochester, MN
  - Judge George A. Marshall, Lyon County, Marshall, MN
- 3:00 Closing Remarks

APPENDIX 3MINNESOTA JAIL REMOVAL PROGRAMS

<u>TITLE AND SPONSOR</u>	<u>FUNDING</u>	<u>START DATE</u>
Detention Advocate Olmsted County	\$ 40,660	10/1/85
Preadjudication Shelter Washington County	\$ 21,685	10/1/85
I.T.A.S.K.I.N. House, Inc. Itasca County	\$132,385	1/1/86
In-Home Detention Scott County	\$111,157	2/1/86
Juvenile Out-of Jail Detention Beltrami County	\$ 60,415	2/1/86
Community Detention Carlton County	\$ 57,549	2/1/86
Juvenile Jail Removal Pilot Project-MN Dept. of Corrections (Co-sponsors: Association of MN Counties and Minnesota Sheriffs' Association)	\$ 76,568	9/1/87
TOTAL OF 7 PROGRAMS	\$503,419	
TOTAL J.R. Set-aside Funds =	\$1,076,341	
minus 7 Programs =	<u>503,419</u>	
Remaining Available for JR =	\$ 572,922	



2/11/87 x 6/1

Jail Removal Legislation in the 1987 Minnesota Session

- I. The Senate passed HF 596 (which included a modified version of jail removal legislation) 67 to 0 on Tuesday, May 12th. The bill originally dealt only with the detention of a juvenile who was being referred to adult court.

After original House passage, HF 596 was sent to the Senate Judiciary Committee which substituted the Senate version of the reference to adult court bill and also amended it to include jail removal.

HF 596 was reported to the full Senate and recommended to pass on Monday, May 4th, and amended by Senator Ramstad (IR, Minnetonka) on the floor on Monday, May 11th. A copy of the language, included the effect of the floor amendment, is attached.

The House did not concur in the Senate amendments and requested a Conference Committee, appointing Representatives Kelly (DFL, St. Paul), Blatz (IR, Bloomington) and Kludt (DFL, Moorhead) as members of the Conference Committee on Wednesday, May 13th.

The Senate appointed Senators Freeman (DFL, Richfield), Merriam (DFL, Coon Rapids) and Beckman (DFL, Briceyn) to the Conference Committee on Thursday, May 14th.

However, the session ended on Monday, May 18th before the Conference Committee could meet. The bill was returned to the House, laid on the table, and the Conference Committee discharged pursuant to Joint Rule 3.02.

- II. Senator Merriam introduced Jail Removal legislation in S.F. 1088 on March 23rd. The bill was referred to the Senate Judiciary Committee, and later Senators Spear (DFL, Minneapolis); Wegscheid (DFL, Apple Valley); and Marty (DFL, Roseville) were added as co-authors. The bill was heard in subcommittee on March 30th. Richard Gardell, Vice-Chair, Minnesota Juvenile Justice Advisory Committee; Lynne Westphal, Criminal Justice Chair, League of Women Voters of Minnesota; Judy Traub, President, National Council of Jewish Women of Minnesota; and Thomas Harbinson, Assistant Scott County Attorney appeared in support of the bill.

The bill was taken up by the full Committee on April 8th. At the meeting, Thomas Harbinson, Juvenile Justice Advisory Committee Member, supplied information to Senator Merriam and answered questions from the Committee. The bill was reported to the Senate on April 13th, recommended to pass. However, the bill was still on General Orders when the Session ended, and, therefore, returned to the Judiciary Committee pursuant to Rule 15.

The text of S.F. 1088 is identical to section 4 of H.F. 596 (attached) as amended by the Senate Judiciary Committee and prior to the Ramstad amendment on the floor of the Senate.

- III. Representatives Greenfield (DFL, Minneapolis); Bishop (IR, Rochester); Vellenga, (DFL, St. Paul); Wagenius (DFL, Minneapolis); and Seaberg (IR, Eagan) sponsored H.F. 1216, which was the companion bill to S.F. 1088. The bill was introduced March 26th and referred to the House Judiciary Committee. There was no further action.

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MINNESOTA  
Juvenile Justice  
Advisory Committee

*typewriter*

DEPARTMENT OF JOBS AND TRAINING  
State Job Training Office  
Room 690, American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
(612)296-8601

April 7, 1987

Dear Legislator:

The League of Women Voters of Minnesota, Childnet, The National Council of Jewish Women of Minnesota, and the Minnesota Juvenile Justice Advisory Committee are writing to you in support of Senate File 1088 and House File 1216 which limit the amount of time a juvenile can be held in an adult jail.

The national resolutions of the National Council of Jewish Women include a provision which endorses a system of justice for all children which provides for due process and takes into account their special needs and vulnerability by requiring detention and incarceration in separate facilities from adults. The 2,200 members of the National Council of Jewish Women in Minnesota urge your support of Senate File 1088 and House File 1216.

Childnet, a statewide child advocacy organization developed a children's platform. This process included 75 organizations and agencies that work for or on behalf of children. The platform includes support for public policy that protects every child from admission to an adult detention facility. Senate File 1088 and House File 1216 are consistent with the focus of this children's platform which is to create public policies which are fair and equitable toward children. They deserve your support.

The Minnesota Juvenile Justice Advisory Committee, a Governor appointed body with broad representation of practitioners, policy makers, and citizens, has made providing alternatives to the use of jails for the detention of juveniles a top priority for several years. Working with local officials JJAAC has sponsored workshops, and conferences and funded alternative programs. This year the Committee has set aside \$450,000.00 of Federal grant monies to support alternative programs.

The League of Women Voters is aware of many existing programs in counties throughout the State that provide excellent alternatives to the use of adult jails to detain or incarcerate juveniles. In addition these bills better define which juveniles can be held in adult jails and limits the amount of time they can be kept there. So, the use of community based alternatives is encouraged! The League supports passage of these bills.

Many States have already passed legislation that either prohibits or restricts the amount of time a juvenile can be held in an adult jail. The reasons are many. They range from harm caused to the juvenile to the liabilities assumed by the jailer who holds a juvenile in an adult jail. The number of juveniles held in adult jails in Minnesota has been declining. Now, it appears more a matter of practice and convenience than a lack of resources that keeps juveniles in jail in Minnesota. We believe it is time for legislation which will provide

Page Two

the motivation to change these practices while improving our juvenile justice system.  
Please support Senate File 1088 and House File 1216.

Thank you

*Lynne Westphal*  
Lynne Westphal  
Criminal Justice Chair  
League of Women Voters of Minnesota

*Judy Traub*  
Judy Traub, President  
National Council of Jewish  
Women of Minnesota

*Andrea Christianson*  
Andrea Christianson  
Child Net

*Judy Bredeesen*  
Judy Bredeesen, Chair  
Minnesota Juvenile Justice  
Advisory Committee

*10/10/93*



MINNESOTA  
Juvenile Justice  
Advisory Committee

February, 1987

FACT SHEET  
CHILDREN IN JAILS

NATIONWIDE

States across the nation are limiting the use of their adult jails for the detention or incarceration of juveniles. These limitations recognize strong evidence that incarceration in adult jails has harmful effects on juveniles. Nationally, children in jail commit suicide five times more often than juveniles in the general population. In addition, tragic incidents have been documented of physical and sexual abuse of children held in adult jails. Likewise, jail staff are not trained to provide for the specific needs of juveniles in custody, and juveniles are occupying space in adult jails that is increasingly necessary to house adult offenders. Finally, counties and jailers are being held liable in civil court actions that award large monetary damages to the juveniles held in adult facilities.

Generally, these limitations require two restrictions on the use of jails to hold juveniles:

- (1) The use of an adult jail to detain or incarcerate any juvenile status offender (i.e., a juvenile who has committed an act that would not be considered a crime if committed by an adult) is prohibited.
- (2) The use of an adult jail to detain or incarcerate a delinquent child is limited to a maximum of 24 hours outside of a standard metropolitan statistical area (SMSA) and six hours inside of a SMSA.

Because of these restrictions, a wide range of alternatives to adult jails have been developed and used to detain juveniles. These alternatives include: group homes which are staffed 24 hours a day; foster homes for foster parent supervision; Intensive Community Supervision; Youth Attendant Programs; and Proctor programs. States that have enacted similar legislation to date include: California, Illinois, Colorado, Utah, Louisiana, Missouri, New Jersey, New York, Oregon, Oklahoma, Delaware, Maryland, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont, Washington, Connecticut, Florida, Georgia, South Carolina, Virginia, Wisconsin and New Hampshire.

HOW DOES MINNESOTA STAND?

Historically, Minnesota has done a good job of separating juveniles from adults when they have been held in the same facility. This has prevented many of the abusive incidents that have occurred in other states. However, juveniles in adult jails in

Minnesota are often isolated, which can be psychologically harmful. Likewise, with an ever-increasing jail population, counties need the space to house adult offenders. This is especially true when the scope of the problem in Minnesota is considered: Of the 3,740 juveniles held in an adult jail or municipal lock-up in 1985, only 794 were held in adult jails in violation of the above mentioned restrictions.

Of the 794, 31 percent were status offenders and only 8 percent committed a crime against a person.

#### COUNTY BY COUNTY ANALYSIS

Based on the six-hour or 24-hour time limitations for delinquent children held and the prohibition of status offenders held, here is how Minnesota looks by county. Seventy-two counties have an adult jail which could be used to hold juveniles. Of these counties, seven held no juveniles in 1985: Murray, Cottonwood, Rock, Sibley, Pope, Clearwater and Cook.

An additional 17 counties held no delinquent child over the suggested time limits: Lake of the Woods, Marshall, Norman, Mahanomen, Aitkin, Wadena, Kanabec, Traverse, Swift, Meeker, Lincoln, Brown, Wabasha, Watonwan, Waseca, Jackson and Fillmore. (See attached map.)

In addition, 20 counties had seven or fewer instances where children were held over the suggested limits:

<u>County</u>	<u># Delinquents Held Over Time</u>	<u># Status Offenders Held</u>	<u>Total</u>
Becker	3	4	7
Benton	1	0	1
Cass	2	4	6
Chippewa	1	5	6
Chisago	5	0	5
Douglas	3	1	4
Faribault	5	2	7
Goodhue	2	3	5
Kandiyohi	3	2	5
Kittsen	1	1	2
Koochiching	2	0	2
Lac Qui Parle	1	0	1
Morrison	1	2	3
Mower	2	1	3
Otter Tail	2	0	2
Pennington	1	2	3
Pipestone	1	1	2
Roseau	1	0	1
Stearns	2	2	4
Wright	5	0	5

Minnesota also has seven juvenile detention facilities:

West Central Regional Detention Center  
 Clay County Law Enforcement Center  
 Moorhead, MN 56560 218/236-8181

Arrowhead Regional Juvenile Service Center  
 1918 Arlington Ave.  
 Duluth, MN 55811 218/722-7776

Ramsey County Juvenile Service Center  
 480 St. Peter St.  
 St. Paul, MN 55101 612/298-6933

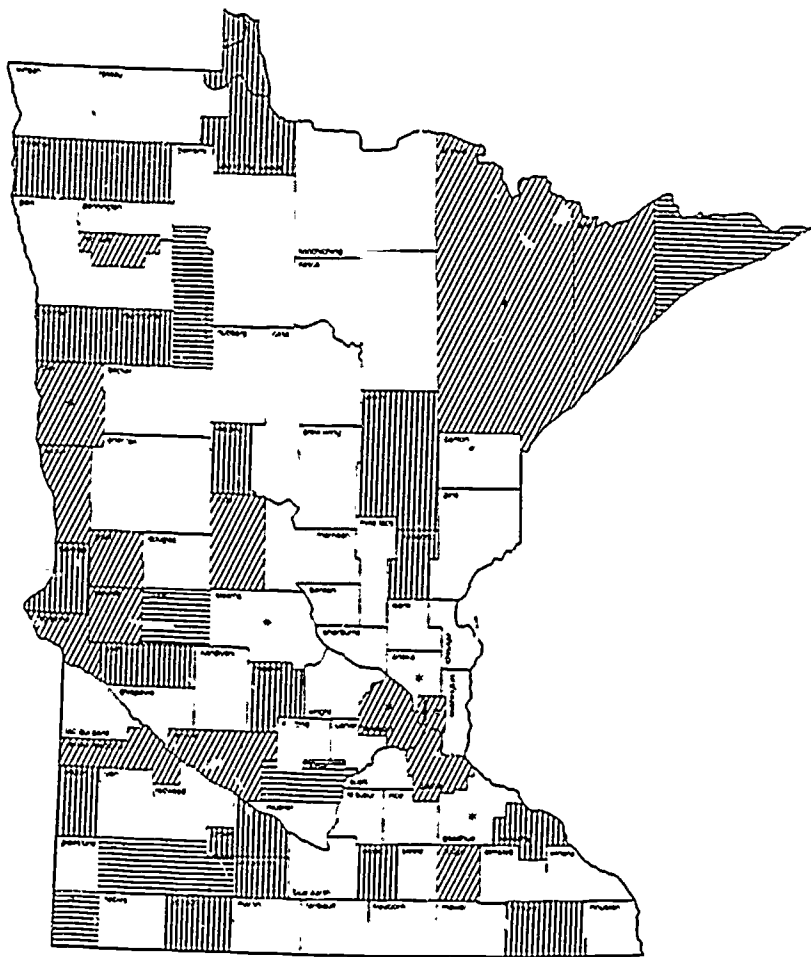
Hennepin County Juvenile Detention Center  
 510 Park Ave. So.  
 Minneapolis, MN 55415 612/348-3633

Minnesota Home School  
 Post Office Box 272  
 Sauk Centre, MN 56378 612/352-2296

State Training School  
 Post Office Box 345  
 Red Wing, MN 55066 612/388-7154

Anoka County Juvenile Center  
 Post Office Box 1200  
 Circle Pines, MN 55014 612/786-7350

See attached map: Juvenile detention facilities equal \*



- Juvenile Detention Facilities
- Has no jail licensed to hold juveniles
- Has jail licensed to hold juveniles, but held none, 1985
- Has jail licensed to hold juveniles, but held no delinquent children over the time limits, 1985.



WHERE IS THE PROBLEM IN MINNESOTA?

As stated previously, there were 794 violations of the suggested restrictions. Fifteen counties accounted for 495 violations, or 62 percent of the total. These counties are:

<u>County</u>	<u># Delinquents Held Over Time</u>	<u># Status Offenders Held</u>	
1) Beltrami	15	3	
2) Blue Earth	19	3	
3) Carlton	15	0	15
4) Carver	44	3	47
5) Freeborn	21	5	26
6) Isanti	14	4	18
7) Itasca	15	3	18
8) LeSueur	11	6	21
9) Nobles	20	3	29
10) Olmstead	29	24	53
11) Pine	16	31	47
12) Scott	38	4	42
13) Sherburne	51	15	66
14) Washington	27	4	31
15) Winona	48	2	50

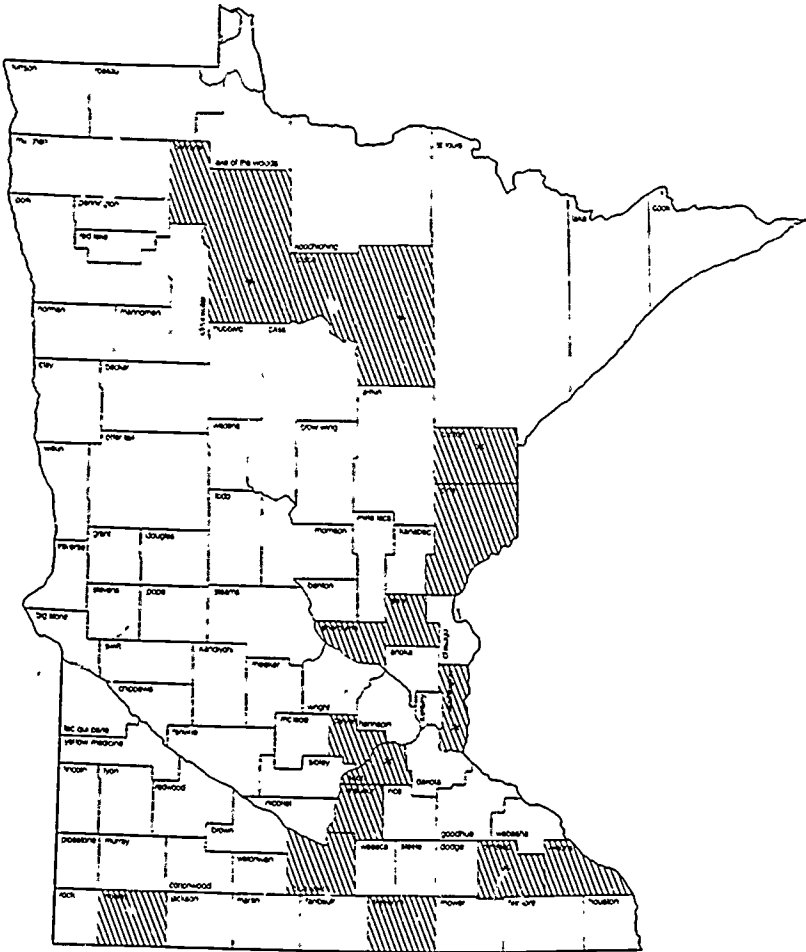
Some of these counties are working to improve their standing. Beltrami, Carlton, Itasca, Olmstead, Scott and Washington Counties have begun programs to provide alternatives to the use of jails for the detention or incarceration of juveniles. These programs include:

- I.T.A.S.K.A.N. House, Itasca County, a seven-bed shelter open seven days a week, 24 hours a day, providing services such as intake, evaluations, support, counselling and intervention to youth and their families.
- Beltrami County Juvenile Out of Jail Detention Programs providing one-on-one supervision, supervision in an existing non-secure facility, or transportation to a juvenile detention center.
- The Scott County Juvenile In-Home Detention Program providing in-home intensive supervision or transportation to a secure juvenile center when needed.

New legislation in Minnesota would provide a standard for the use of jails in detaining or incarcerating juveniles, as such legislation has in other states across the country.

## For further information:

Juvenile Justice Specialist  
(612) 296-8601  
State Job Training Office  
690 American Center Building  
150 E. Kellogg Blvd.  
Saint Paul, Minnesota 55101



\* Designates 1986 Jail Removal Program



Marked counties equal 15 counties which in 1985 accounted for 62 percent of all violations of suggested restrictions (status offenders held in jail and delinquent offenders held in jail for six hours in metropolitan counties or 24 hours in non-metropolitan counties).

JUVENILE OFFENDER JAIL REMOVAL PILOT PROJECT

Sponsored By: Minnesota Department of Corrections  
 Minnesota Sheriffs' Association  
 Association of Minnesota Counties

PURPOSE:

The primary purpose of the proposed Juvenile Jail Removal Pilot Project would be to assist in the effort of removing all juvenile offenders from selected county jails as mandated by the Juvenile Justice and Delinquency Prevention Act of 1974 as amended. Current JJDP requirements for jail removal for juveniles.

1. Non status juveniles confined in jails located in standard metropolitan statistical areas (SMSA counties) must be removed within six hours and
2. Non status juveniles confined in non-SMSA county jails must be removed within 24 hours (excluding weekends and holidays).

Hopefully, the proposed project will assist in the development of an appropriate plan of action as to how the State of Minnesota will come into total compliance with JJDP requirements for removing juveniles from county jails by December 31, 1989.

SCOPE OF PROPOSED PROJECT

There are 16 SMSA counties in Minnesota and 71 non-SMSA counties.

The proposed pilot project will be presented on a statewide basis to any county meeting the eligibility criteria listed below. Participation in the pilot project would be entirely voluntary.

ELIGIBLE COUNTIES:

Any county presently operating a jail, lockup or holding facility may apply for Juvenile Offender Jail Removal Pilot Project funding provided that they:

1. Do not have a county operated secure licensed juvenile detention center located within their county, or
2. Are not already receiving funds for a juvenile jail removal project in their county from JJAC.

Note that counties without jails, lockups or holding facilities are not eligible.

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PROPOSED PROJECT ELIGIBILITY REQUIREMENTS:

Any county within Minnesota who desires to participate in the Juvenile Offender Jail Removal Pilot Project can do so provided they agree to the following conditions:

- A. They agree to limit the confinement of juvenile offenders within their county jail to six hours (for SMSA counties only) or to 24 hours, excluding weekends and holidays (non-SMSA counties only) for a 12 month period.
- B. That during a juvenile offender's period of confinement in the county jail, direct one-on-one supervision will be provided by a person of the same sex whose age must be 18 years of age or older. If this supervision is provided by supplemental staff, the wage cannot exceed \$5.00 per hour.
- C. That they agree to pay in full for all detention services rendered that are associated with the transportation (not to exceed .21 a mile) and the detention of juveniles in an approved secure juvenile detention center (per diem). This also includes the costs associated with providing one-on-one supervision of juvenile offenders being detained within their own county jail facilities pending court appearances or transportation to an approved secure juvenile detention center. They will be reimbursed at a 75% rate for all services rendered once a request for reimbursement has been received by DCC and approved. Should a community based detention alternative be developed and utilized, reimbursement at an amount commensurate with the use of a licensed secure juvenile detention center shall be granted for a period of time not to exceed eight days inclusive of time spent in the jail.
- D. Counties will be reimbursed for services rendered to only those juveniles who normally would have been placed in a jail type facility. All juveniles who meet one or more of the criteria noted below are eligible for reimbursement for detention services rendered:
  1. A juvenile who allegedly has committed a delinquent act of a serious nature, or
  2. A juvenile who allegedly has committed a delinquent act and is unlikely to appear at his/her adjudicatory hearing on the petition, or
  3. A juvenile who allegedly has committed a delinquent act and existing circumstances warrant detention of the juvenile for the protection of the community.

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PROPOSED PROJECT FUNDING:

The proposed pilot project would be funded by Juvenile Justice Grant money (JJAC Grant Program) in the amount of \$78,000 +. Funds would be accounted for and allocated to eligible participating counties by the Department of Corrections, Community Services Division on behalf of the three sponsoring organizations.

Counties who are found eligible and who participate in the pilot project would receive 75% reimbursement for services rendered that are directly related to the removal of juvenile offenders from their county jail type facility within the specified time periods. The specific services eligible for reimbursement would be as follows:

- A. Transportation Costs - Costs incurred for transporting juveniles to an approved secure detention facility and returning them for court appearances (two trips only). Full mileage allowance would not exceed .21 a mile. Meal reimbursement would not exceed \$5.00 per meal, per person, per trip.
- B. Per Diem Costs - Costs associated with room and board at an approved secure detention facility. Not to exceed eight days for SMSA counties and five days for non-SMSA counties at not more than actual per diem rates of the detention facilities utilized.
- C. Juvenile Offender Supervision Costs - Costs associated with the supervision of juveniles on a direct one-on-one basis by a person of the same sex within a jail setting. Full wage for this service would not exceed \$5.00 per hour. Reimbursement for this service will only occur for the time period for which the facility is classified; i.e. six hours for SMSA counties and 24 hours, excluding weekends and holidays for non-SMSA counties.
- D. All out-of-state runaways apprehended in counties participating in this pilot project will have all costs associated with providing appropriate shelter care services reimbursed at 75% of cost up to \$45 per day. (Actual reimbursement based on \$60 per diem)
- E. LOCAL COMMUNITY BASED DETENTION ALTERNATIVES  
Costs associated with developing and operating local detention alternatives will be reimbursed at an amount commensurate with the use of a licensed secure juvenile detention center. Reimbursement shall be limited to eight days inclusive of time in jail. Juveniles admitted or placed into this type of local program must meet criteria noted above under Eligibility Requirements; D. 1, 2 or 3.

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#### COORDINATION AND ADMINISTRATION OF THE PILOT PROJECT

The coordination and administration of the pilot project could be placed in several places within the organizational framework of the DOC, i.e. Office of Juvenile Release, Inspection and Enforcement Unit or in some other unit within the Community Services Division.

Due to the nature of the proposal reflecting and requiring a cooperative spirit between local units of government and the state (DOC) in addressing the need of removing juvenile offenders from jail type facilities and the fact that the concept of reimbursement is central to the project achieving its goal, the Community Services Division appears the logical place to establish the program.

Placing the coordination of this project within the Community Services Division allows for the possibility to use existing staff both professional and clerical to assist in program development and implementation.

The basic responsibilities for administering the pilot project would be as follows:

1. Developing and writing a program narrative that includes stated goals and objectives, eligibility criteria and monitoring and enforcement of guidelines. Developing forms and reimbursement procedures would be part of this area of responsibility.
2. Notifying, recruiting and enlisting counties to participate in the program. This would include contacts with sheriffs, judges, county commissioners and probation/parole officers.
3. Assisting all participating counties in locating or finding available bed space in secure detention centers.
4. Receive, review and approve (or not approve) all requests for reimbursement for detention services rendered from participating counties. Coordinate these activities with DOC Accounting Division.
5. Monitor all participating counties to assure compliance with eligibility requirements on a regular basis. This responsibility will require a working knowledge of DOC's Detention Information System and individual county inspection results.
6. Prepare necessary reports on the project reflecting monthly usage activity, problems and progress toward achieving desired results.
7. Prepare recommendations to the Commissioner of Corrections and JJAC relative to continued funding, policy changes needed, legislation and administrative rule issues.

# Minnesota Coalition for Battered Women

## SCHOOL CURRICULUM PROJECT - QUARTERLY PROGRESS REPORT

APRIL - JUNE, 1987

**GOAL:** To provide young people with information about the problem of domestic violence, examine why this abuse occurs, and teach skills that will reduce the likelihood that they will be abused or abuse their partners.

**OBJECTIVES:** SECOND YEAR (OCTOBER 1, 1986 - SEPTEMBER 30, 1987)

**Objective 1:** To expand the use of the secondary curriculum Skills for Violence-Free Relationships to 35 additional school districts.

One additional training was conducted with the White Bear Lake school district as part of their curriculum development for the next school year. We continue to recruit secondary schools for the 87-88 school year.

We are proud of the project's achievements this school year:

- over 225 teachers and other school personnel received training;
- 115 schools in 83 school districts are using the curriculum;
- in addition, 8 juvenile mental health and chemical dependency programs are incorporating the materials into their educational activities;
- teachers have presented the curriculum to over 15,000 students.

**Objective 2:** To establish or strengthen an ongoing relationship between each demonstration school district and the local shelter/program in order to build a strong support network for teachers and students after the project is completed.

We accomplished this objective by contracting with our member shelters/programs to provide a "liaison" to the project. Liaisons are currently located in the shelters/programs in Crookston, Bemidji, Duluth, Fergus Falls, Brainerd, St. Cloud, Rochester, Blaine, Lake Elmo, and Caledonia. The liaisons assisted in recruiting teachers and organizing the training sessions. They provided support to teachers and their students both during and after the curriculum was presented in the classroom. Liaisons were invited to give presentations in many of the participating schools.

We plan to use this organizing strategy again during the upcoming school year and will be recruiting new liaisons this summer, particularly in the areas of the state which have not participated fully this year.

**Objective 3:** To prepare each community to respond to children who may come forward for assistance as a result of their exposure to the curriculum.

The liaison serves as the chief source of support for teachers and students. Each training session included a presentation by the local liaison explaining the community resources available to adolescents and

435 Aldine Street St. Paul, MN 55104 (612) 646-6177

their families. The liaison also prepared a written list of these agencies for the teachers to give to their students.

As we begin to get feedback from the experiences of teachers in the classroom, we hope to develop further recommendations for communities on the appropriate response needed to assist the students and their families.

**Objective 4:** To develop audio-visual aids to accompany the secondary curriculum.

Much of the coordinator's time this spring was spent on the production of the "Power of Choice" program which was filmed in April. As noted previously, the video consists of an introduction and a series of four open-ended vignettes which provide a starting point for exploration of the topic of violence and power issues in teen-age relationships. After two days of auditions with many fine young performers from area high-schools, the roles were cast. The scenes were filmed in several locations around the Twin Cities and production was completed on schedule.

After preliminary editing, a rough version was previewed for final approval. All those involved from the three sponsoring organizations were very pleased with the product. The final edited copy should be finished in July. The coordinator will be co-writing the discussion guide which will be completed this summer. The total program (video with accompanying discussion guide) should be ready for distribution in January. The three organizations will provide training to teach educators, 4-H leaders, and other volunteers how to use the program.

**Objective 5:** To develop a preliminary draft of an elementary curriculum to be pilot-tested in spring or fall of 1987.

The Elementary Curriculum Development Team met with the writer, Katia Peterson, on June 8 and 9. The group consisted of three children's advocates and three teachers. Using the outline of learning goals developed in February, the team refined the learning objectives included in each goal and brainstormed lots of examples of age-appropriate educational activities. Katia's task this summer is to organize all this information into the two curriculums for K-3 and 4-6 grades. Pilot-testing will take place in 35 schools during the next school year.

## PROJECT EVALUATION

The pre and post testing of the participating students was completed during this quarter. As to be expected with a sample of this size, we experienced a few problems with collection of data, e.g. one teacher forgot to give the pretest, some teachers dropped out of the study without informing us, etc. However, we successfully tested approximately 1,200 junior and senior high students from 12 schools. The data has been coded, entered on computer, and preliminary statistical analysis has begun. The researcher's final report should be completed in August.



## OTHER ACTIVITIES

- \*The ABC News Program "20/20" will feature the curriculum project in a planned segment on violence in teen-age dating relationships. They filmed the making of the video in April and will return in July to discuss our prevention efforts in the schools and talk to adolescents who have been in abusive dating relationships. They haven't informed us yet of the air date for the segment.
- \*The coordinator met with concerned teachers and counselors who were working with students affected by the death of Kim Coleman, a St. Paul high school senior murdered by her boyfriend. We planned several group sessions for the kids which would help them to understand Kim's death in the context of violent relationships and provide an avenue for expression of the anger and frustration which they were experiencing. A particularly powerful session was conducted by Claire Chang-Schroeder, a project Advisory Council member and shelter advocate, who was herself a victim of a violent dating relationship when she was in high school.
- \*In April, the film "It's Not Always Happy At My House", produced last year by MCSW and the Illinois and Wisconsin coalitions, was selected to be shown in the Council on Foundations' 7th Annual Film and Video Festival at the 1987 Annual Conference in Atlanta.
- \*Several public presentations were conducted this spring by the coordinator:
  - spoke to students at Anwatin Junior High-Mpls and during "Wellness Days" at St. Paul Como High School
  - conducted a workshop on the project at the Minnesota School Counselors Association Conference in Brainerd
  - spoke at the Prevention Conference in Mankato sponsored by CADA House
  - provided two training sessions on domestic violence for the Community University Health Care Clinic - Southeast Asian Project
- \*We have secured the services of an MSW intern who will be with us half-time during the next school year.
- \*The coordinator received word from Israel that a group of shelter workers, using materials they received from us in January, organized a day of presentations on violence in the family at a large high school in the Tel Aviv area. Though this is a small first step, they are very pleased to have begun prevention work in the schools.

# Curriculum tries to prevent violence through education

By Leonard Inskip  
Associate editor

The Minnesota Coalition for Battered Women and dozens of Minnesota school districts have begun a new chapter in the recent history of domestic violence: prevention through education.

Teachers in more than 100 junior and senior high schools in 75 districts have signed up this school year to begin teaching "Skills for Violence-Free Relationships." Last school year, the new program was demonstrated in 12 schools in 10 districts. It is taught by regular teachers, with training and materials provided by the Coalition for Battered Women.

Denise Gamache, school curriculum project coordinator, says that the program is an evolutionary response to domestic violence — mainly by males against females. In 1975, the nation's first shelter for battered women opened in St. Paul, now Minnesota has 17. Then came legal measures, like court orders for women's protection, then organized intervention by the justice system and community agencies. But those are responses that follow violence.

The education program seeks to prevent violence by changing attitudes. It shows students the causes of violence and possible ways they can respond. Ninety percent of violence, Gamache says, results from "social learning" — the power/submission roles males and females are taught directly or indirectly by society. The same man who beats his wife wouldn't consider beating his boss, but he might have shown violence in teen-age dating.

The coalition was formed in 1978 as a statewide network for agencies and programs serving battered women. About 60 groups are members. It provides technical assistance to existing and emerging organizations, advocates for battered women and their families, and seeks to educate the broader public.

In 1984, a U.S. attorney general's task force on family violence urged schools to "ensure that all teachers are familiar with family violence prevention and that a special prevention curriculum is part of every child's school experience."

That same year, a southern California battered women's coalition, working with the Los Angeles Junior League, produced an 88-page curriculum booklet entitled, "Skills for Violence-Free Relationships."

The Minnesota coalition brought "Skills" to Minnesota, where the State Board of Education a year ago endorsed such education. The coalition turned to foundations for money. The Juch Foundation, long interested in domestic-violence programs, provided \$91,000 for 1986 and 1987. A federal program provided \$45,000, and the Sheltering Arms Foundation \$10,000.

Participating teachers get a full day's training in domestic violence and community resources. They receive the California booklet plus an equally-thick guide prepared by Gamache. The guide includes a special section on teenage dating relationships. Last spring, 14 teachers took part. This fall, 160 teachers and other school personnel received training. Most teach health courses, home economics and social studies.

Teachers, like other groups in society, have become more aware of domestic violence. "They're concerned about that and what they can do," says Gamache, a former teacher. "But many need more specific knowledge and specific exercises for classes." Another motivation occurs as they begin to see the incidence of dating violence.

As awareness of family violence

grew, researchers also found some form of violence in college-age relationships — at about the same 20-25 percent rate that occurs in families. Oregon researchers have found that 10-12 percent of high-school students suffered or inflicted physical abuse in dating, Gamache says.

The suggested curriculum deals with definitions of domestic violence, its history and frequency, stereotypes and myths that surround it, society's attitudes, control of emotions and resolving conflicts. Gamache says the program also can help students from the 20-25 percent of families that have experienced family violence. "It can help those kids understand and know the resources that can be helpful."

During last spring's limited use of the new curriculum, some students disclosed personal experiences in teen-age relationships. Gamache said such disclosures may raise a question for schools: What's the appropriate response by teachers and schools? How can they help young perpetrators? What should be school policies and disciplinary procedures? She wants to learn how schools handle such situations.

The curriculum project will be expanded to include elementary

schools. A St. Paul social worker revising a program she developed for schools in that city Gamache hopes the revised program can pilot-tested in five metro and rural schools this school year and then used by 25 schools next year. A lot will be sex-role development.

The Minnesota Coalition for Battered Women collaborated with anti-violence Wisconsin and Illinois coalitions produce a \$100,000 film on domestic violence from a child's perspective. The film shows how children affected by violence, but also let them that violence between parents is not their fault. It shows how support groups can help children learn about violence. The film will be available to teachers.

Minnesota has made "a lot of progress" in making domestic violence an intolerable form of behavior, Gamache says. But every year an estimated 33,000 Minnesota women are battered. Nearly 3,000 find refuge shelters. Twice that number a turned away, usually because space is full. "It demonstrates the need to battle domestic violence. The coalition's work in schools is a first, new way to do it."

Mr. KILDEE. Thank you very much, Lieutenant.  
Judge Radcliffe?

Judge RADCLIFFE. Thank you very much, Chairman Kildee and Representative Tauke and Representative Hawkins and my friend from Ohio, Congressman Sawyer.

It is indeed an honor and a pleasure for a member of the Judicial Branch to be privileged to testify before a Branch of our Legislative—the Legislative Branch of the Government. I think that this perhaps is—signifies perhaps in some way the struggle that our country went through in trying to formulate the Constitution, which is now celebrating its 200th anniversary next week.

I don't think the framers of the Constitution ever believed that the separation of powers doctrine ought to separate us from sharing concerns about the people of our Nation in the future, and it is again a privilege for me as a member of the Judicial Branch of Government to have the honor to testify before this legislative body.

I also would indicate that we in Ohio are very proud of our role we played in the development of this Nation by the establishment beyond the Allegheny Mountains of the type of government that was to be forecast for our Nation for the States that joined the Union after the first original 13 States framed a loose confederation, and I would also tell you that I am from Chillicothe, Ohio.

If you are not familiar with Chillicothe, Ohio, its role in history was that it was the territorial capital of that territory northwest of the River of Ohio and was created by an ordinance in 1787, which was the forerunner, obviously, of the United States Constitution.

And so, I am very privileged and honored to be here today in my role as a judge, but I am also privileged as my role of a trustee of the National Council of Family Juvenile Courts to be here as their Chairman of the Juvenile Relations Committee and to share with you our enthusiastic support of the authorization bill which is presently before you.

I bring with you the enthusiasm of a judge who has had the experience of working with this bill since its inception in that role, and I also bring with you the experiences that I have had in serving with a special committee appointed by our Ohio General Assembly to assist them in developing what is called now the Ohio Plan, and I am also privileged to see my distinguished colleague and Representative from Ohio that we shared many experiences together as we worked through that—that plan on behalf of the children of this Nation.

But let me tell you where the motivation for that came from. The motivation came from this Act that was passed by this Congress and its predecessors indicating that this is a direction that our country should follow.

This is the path that you choose for us. Not an easy path to follow in some instances because of the very diverse nature of our Nation and its constituency. We are all brought together under your umbrella, and indicated to your legislation the direction that our Nation should take, and there are those that disagree and argue with those policies established by this Congress, but I think most of us understand that you are bringing this Nation together to address its most difficult concerns, and I share with Congress-

man Hawkins his concern in his opening statement about the drug and substance and alcohol abuse problem which is facing not only the children of our Nation, but the families of our Nation and how we should be looking at those issues.

Let me go back and reminisce a little in history. We in Ohio followed shortly after Illinois in adopting a law to remove children from an adoptive juvenile court system, and it was done for wrong reasons.

It was done for the reason of getting children not out of jails, but out of prisons. Our prisons were overcrowded and we had a distinguished Senator in Ohio at that time that introduced a bill which had a peculiar number to it, because I think Congressman Sawyer and I might share those numbers, and it was called Senate Bill 40, and it removed children from the prisons, and the sponsor of that bill was a person who later became President of the United States, Warren Harding, and it is sort of interesting to watch the progression of this.

But the reason for getting the children out of prisons was not because of the humane, compassionate concerns that we have for children today, but it was to reduce a prison overcrowding problem, and rather than address the economic issue of building more prisons, the easier way to deal with the problem was to get some of the population out.

So they took the children out of the prisons as a contrast to—sort of interesting how that wheel of history keeps rolling around.

I am also very proud to tell you that on behalf of our Council, that we have been involved in the training of judges, the Family Juvenile Court Judges of this State for 50 years, a little over 50 years, was founded in Cleveland, Ohio in May of 1937, and we just recently celebrated our golden anniversary by having an annual conference in Cincinnati this year, returning to Ohio as its place of origination.

This was born by judges wishing to get together to share their common concern for the growing problem of America even 50 years ago, and our organization was founded with the expressed purpose of providing education for judges and training for judges and court-related personnel. We have not lost that purpose.

Our second purpose was to share those experiences with each other, and technical assistance which was made available to all the courts of America, and also to our publications, and we have made these available to you, and these are just examples.

You will have two of them, I believe, with you, but we have many other fields we work in. This is child abuse and neglect, and the growing concern of our Nation: Children's sexual abuse, and one that we are identifying even the terminology between the different disciplines, so we are better to understand what is happening in our Nation and the families of our Nation.

Of course, the big motivation for this comes from having a concern. Motivation for providing some financial assistance in this area, of course, is coming through this bill. You address the serious nature of the criminal problem of America in the Omnibus Safe Streets bill in 1968, which related not only to the juveniles but the adults as well.

In 1974, you then decided that it had such a primary level or high priority with you, you would address the issue of juvenile delinquency and prevention. We in Ohio have undergone a metamorphosis. We, as Congressman Sawyer indicated to you, have to remove the children from the jails.

We have removed them from the State, the status offenders from the State training schools. We have made as a community—a community problem believing that this is where the problem originated, and this is where it should be solved, I guess.

And that you can't by transferring the responsibility of dealing with those children to a State and its impersonal relationship with the child and bring it back home in a changed, rehabilitated fashion.

We believe that there is—we in Ohio are not permitted to understand our new legislation to place children in State training schools if they commit acts which, if committed by adults, would constitute misdemeanors or status offenders, either.

As a substitute, because of the awareness of our high General Assembly, there are very limited resources made available to us on a local level. They have given to us a substantial subsidy to help us carry out our program on this level.

This includes diversion programs, this includes probation development, this includes foster care, this includes education, this includes psychiatric, psychological treatments, all the different kinds of things that are so necessary if we are going to intervene early in the life of a child and deal with their problem, and without the resources on a local level, there is no judge, no judge in America can help solve the problem.

The legislature in Ohio very generously understands this, and, Congressman Sawyer, just recently they adopted our new budget in Ohio and, of course, we are experiencing the same difficulties that all the States in this Nation are experiencing economically, and however even with those adjustments, our legislature is giving to local courts of our State about \$25 million to be distributed according to a formula on a local level, to assist us in dealing with those children on a community level.

This provides a partial subsidy for detention facilities which are State-monitored to guarantee they are providing a decent, sanitary and a wholesome security that is required of our agency.

Second, they provide us with funds to assist in carrying out our rehabilitation programs on a local level, and they provide us with group homes and alternatives. They encourage us to develop restitution community service, alternatives to training schools, to other kinds of more restricted types of facilities.

Judge Quinn came to Ohio in 1981 and testified, as I recall, and discussed some of these burning issues at that time that were confronting not only Ohio, but our Nation as well, and it was through this kind of a sharing of experiences and upon invitation of our legislature that we believed that we have made inroads into this entire issue.

And we have, on a national council level, studied this entire issue of the serious and dangerous juvenile offender, which seems to have a heightened awareness in our Nation today, because we

are sending more of those persons, young persons, enter into our adult prison system.

We are concerned about that 5 percent of those youngsters who come to our juvenile justice system who progress up through and into the adult prison. This is a heavy economic burden on our Nation, as well as human burden on the destruction and personal loss that the families of our Nation are experiencing through this criminal conduct.

We are concerned about education and the school dropout. We are concerned about the runaways. We share with the officer from St. Paul his concern about the runaway and find that the Missing Children's Act that you recently adopted has had a great effect on our Nation.

We are able to locate missing children. Our concern, though, is after we locate them, what do we do for them? How do we change them? How do we alter their conduct? How do we change the system?

We are finding there are States that seem to be on an economic cutting edge to the point where they will promise the Federal Government and they will take the small amount of money that is made available to them under the premise that they will develop the program, and they find that they are not able to do that, because the next step is the most difficult one, and that is to take motivation created by the Federal Act and translate that into dollars into the local communities, and Judge Quinn may or may not touch on last year, was honored to have been recognized in my county by the County Commissioners Association of America as having a good juvenile justice system there, and they are very grateful for that.

But it takes a catalyst, takes somebody who can take a small amount of money to go out into the community to utilize that, to expand and enlarge, so your amount of money which is given to us, according to the formula last year I think was \$1.8 million, and we have now translated that into \$25 million, as suggested here.

We have also translated that into juvenile detention facilities throughout the State to serve the needs of children. Our population in the State training schools did go up temporarily, and there was some concern because what was happening, the State training schools were not prepared to provide new kinds of training rehabilitation programs for these children, and as Congressman Sawyer, who has had the experience of working in this program, can tell you that unless you have got a program for a child, you are warehousing them, and when you warehouse children you are going to have some future problem.

Now, our State is taking a new look at what we are doing. The State training school population, Congressman Sawyer, is now, as of last week, 1,550, and I am very grateful for that, because I am the Chairman of the Youth Services Advisory Council, Governor, and I share the concern with my fellow judges about committing children to State training schools when they should not be placed there.

So, the Coalition of our Judges and our Council and Director of the Department of Youth Services and the Governor's Office, we



are doing something about that now, but this is a shared concern, and where do I come from?

I come from a small county in southern Ohio, who was given a great deal of assistance when I first became Judge with the National Council. I have been invited to some of their programs, and I was educated as a Judge as to what you should do in this position of alternatives, and where did they get the impetus today to continue this great struggle engaged in?

They get it through programs such as this one that your Congress is adopting. We are very grateful to you for that, and we have supported this program since its inception. We have had a number of your staff that has come to one of our programs, and they gave us insights as to the direction that your committee would like to have our programs go.

We do interdisciplinary training. Next Friday in Ohio, we are going to have, under the auspices of the Ohio Judicial College, a program on sexual abuse, and how you deal with child sexual abuse cases, and all the training that is given to the high judges is through the National Council of our Association.

So I am very proud of what they are doing, and we would continue to support the efforts and request to serve the problems of this great Nation and its families. We see a change in the families of America.

We no longer see the child being nurtured in a family with two responsible parents bringing him up. As Congressman Sawyer and I shared some concerns one time as a panelist on a group dealing with some of the educational problems in our State and how we should be concerned about keeping those children in school and not just having them being truant from school, and expecting them to grow up to be constructive, contributing members of our society.

I believe that this Nation is founded on free public education and we believe that this is—in Ohio might be a surprise to know that we, after the Northwest Ordinance in framing our Constitution, which was actually signed in Chillicothe, said as part of our Constitution that we have public education, and we in Chillicothe, although we have slipped away a little as being the center of the Nation's activities and at present, we still take great pride in at least—the early days of formation of our government and our Nation, saying that we have some good, strong qualities left, and that if we could somehow or other translate those qualities back to reality again, I think we would all be passing on to our future and to those who will hopefully think kindly of us as they pass through the next hundred years of the celebration, that we pause the week before the week before the actual celebration of the bicentennial of the United States Constitution, that we talk about the families of America and our great love and concern for them.

Thank you, and I know I have taken my time.

[The prepared statement of Hon. Gerald E. Radcliffe follows:]



ORGANIZED MAY 22, 1937

LOUIS W. MCARDY / Executive Director

## NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

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Testimony of the  
National Council of Juvenile and Family Court Judges  
before the  
Subcommittee on Human Resources  
Committee on Education and Labor  
U. S. House of Representatives

September 11 1987

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Chairman Kildee, Representative Tauke, members of the Subcommittee. The National Council of Juvenile and Family Court Judges appreciates the opportunity to appear before you today in support of the H. R. 1801, to reauthorize the Juvenile Justice and Delinquency Prevention Act through 1992.

I am Gerald E. Radcliffe, a trustee of the National Council and chairman of its Legislation and Governmental Relations Committee. I am a juvenile court judge from Ross County, Chillicothe, Ohio. I am accompanied here today by the National Council's attorney, Thomas J. Madden of Washington, who is also available to answer questions.

The National Council testified on behalf of this original legislation, has supported its several reauthorizations, and more particularly every year through its members in every state has supported the appropriations for the agency.

We have since 1981 vigorously argued with the current administration on its attempts to eliminate funding for the agency. It is to the Congress' great credit and particularly to leaders such as yourselves, that this small but vital federal program has been allowed to continue, especially in the face of the administration's opposition.

The National Council has endorsed H. R. 1801, and applauds your leadership, Chairman Kildee, and that of Representative Tauke, in introducing this legislation. Our judges and associate members in all the states and the members of our affiliated National Juvenile Court Services Association are working with their Representatives in Congress and will expend every effort to support the passage of this legislation.

Before I touch on some of the reasons why the National Council believes continuation of the Juvenile Justice and Delinquency Prevention Program is so important, let me tell you something about our organization. It is a self-help professional organization of judges with juvenile and family court jurisdiction plus allied court executives (primarily chief probation officers), who work in the courts. Membership also includes prosecutors, lawyers who represent children in our courts, court detention executives and leaders in court-supported volunteer programs, such as the Court Appointed Special Advocates (CASAs). Over 1,400 of our members are judges.

This year we are celebrating our 50th Anniversary and early next year we will break ground for a new \$3.65 million Continuing Judicial Education Center and National Council headquarters as part of the complex of facilities at the

University of Nevada at Reno (including the National Judicial College) which since 1969 has been the center for education and training of all state judges and court support personnel nationally.

The National Council's primary activity since its start has been the education and training of judges and court related personnel. This is carried on through our National College of Juvenile and Family Law. To give you some idea of the scope of the College's activities, last year we sponsored or co-sponsored 114 programs which reached over 15,000 participants. Many of these were state or regional programs. Our longest at Reno are two week "Colleges"; some in the states are as short as one day.

The largest program last year was the 14th National Conference on Juvenile Justice which we co-sponsor yearly with the National District Attorneys Association. There were 863 participants and an interdisciplinary faculty which included Jeff McFarlane of your subcommittee staff. The smallest program was a orientation program in a small state for eight CASA volunteers. Several of our programs qualify towards a new Masters in Judicial Education degree at UNR, the only one nationally for judges. Participants in our programs included appellate and trial judges, referees, masters, commissioners, court directors, probation, child protection and aftercare workers, court volunteers, legislators, prosecutors, defense counsel, law enforcement, directors of juvenile detention programs and medical and mental health professionals (in connection with such programs as those on child sexual abuse).

The faculty at most of these programs volunteer their time. This includes all judges and lawyers. We pay honoraria to some national figures who teach at our programs: medical, psychiatric or courts management experts, law professors.

Another primary activity of the National Council is our Research Division, the National Center for Juvenile Justice located in Pittsburgh. Among its activities are the collection and analysis for the federal government and the research community nationally of statistics from these courts. This constitutes the only comprehensive body of information and data concerning children in the courts: who they are; why they are there; what happens to them. Federal support for this program started in 1927 under President Calvin Coolidge. We like to point this out to our friends at the Justice Department when they try to knock it out, since it is now supported by OJJDP.

A third key activity is Technical Assistance. Both our College and Research Center provide this valuable assistance to

courts and allied agencies. Most recently we have been especially successful in helping several jurisdictions, especially in the western states, in reducing the number of children in detention. Another fast growing area in which we provide assistance is in helping jurisdictions to develop effective intensive day and night probation programs which, again, often obviate the need for detention, even in the case of many serious repeat juvenile offenders.

Lastly, the National Council conducts a broad publications program. Our how-to monographs are in broad use in the courts nationwide and in national, regional, state and local training programs on such topics as dealing with learning disabled children, children who are victims of sexual abuse, family violence, etc.

We have included with this written testimony copies of two of our reports because they are unique. Developed by a committee of presiding judges from the 40 largest urban courts, these reports present specific comprehensive recommendations for courts and communities in two specific areas of vital national concern: Abused and Neglected Children and Serious Juvenile Offenders. I include these because both are having a major impact in improving the response to these groups of children. Some of these recommendations in the states have already been embodied in state legislation. Over 55,000 copies of the 73 recommendations on Deprived Children, for example, are in circulation, and have favorably affected 1987 state legislation in at least 13 states. An American Bar Association publication recently stated that these recommendations provide "a key blueprint for policy reform in the coming years." Most importantly, since the judges themselves developed these recommendations and they now represent the policy of the National Council, you have literally hundreds of our member judges out in their communities promoting implementation of the recommendations, presenting them to their county commissioners and community leaders, testifying in state legislatures and getting results!

#### Why the Program Must be Reauthorized

The National Council believes that the Act has proved beneficial, helpful to the system, and is cost effective. Clearly, the admirable aspirations of the Act, to which the National Council fully subscribes, have contributed to humane and beneficial reforms in juvenile justice. Viable alternatives for traditional means of dealing with some troubled youth and their families have been developed. A greater range of dispositional alternatives for adjudicated delinquents have been identified and successfully demonstrated in many communities.

The administration's notion that the Act's purposes have been accomplished and the agency can now be disbanded is absurd. For example, unfortunately, many of the findings of the 1984 Reauthorization remain true today. While the National Council does not subscribe to the idea that the Juvenile Justice System is a failure or the juvenile courts ineffective, it unfortunately still remains true that in many communities, especially many of our largest and many of our poorest, courts are overcrowded, facilities, programs and resources inadequate, staff untrained.

Much progress has been made in the years since the Juvenile Justice and Delinquency Prevention Act was enacted. For example, in my state of Ohio, the Ohio legislature with the support and encouragement of the Ohio judges adopted legislation in 1981 which has come to be known as "the Ohio Plan". This legislation had several beneficial effects. It required removal of all status offenders from secure state training schools and required that status offenders be treated in local community non-secure programs. Juveniles convicted for minor offenses, misdemeanors, were removed from secure state training facilities and placed in local community programs. The Ohio Plan also required the removal of all juveniles from adult jails and detention facilities. Finally, the state contributes \$25,000,000 each year to carry out the Ohio Plan and to subsidize community-based treatment programs and community-based sentencing alternatives including restitution, community services, foster care and education programs.

There is no question that the Juvenile Justice and Delinquency Prevention legislation has provided some of the incentive for these reforms and improvements in Ohio, but as is the case in most states, there is much more to be done. Some problems have markedly increased since the inception of the Juvenile Justice and Delinquency Prevention Program in 1975 such as the increased volume of child abuse (especially sexual abuse) and neglect cases we are seeing in our courts and the clear evidence we see that abuse of alcohol and illegal substances by children and/or their families is a key factor in a large majority of, not only the delinquency cases, but also in abuse and neglect, family violence, runaway children and divorce matters we deal with.

#### Jail Removal

The National Council strongly supported the addition of the Jail Removal mandate to the Act in 1980 and in 1981 called for greater agency and other federal resources to be devoted to this major problem. In those comparatively few cases where it is

necessary to detain children in secure facilities, juvenile and family court judges use local or regional detention facilities exclusively for juveniles. Those children who are placed in local adult jails or lockups, a practice the National Council has always deplored, most often are so placed for violation of traffic laws or municipal ordinances (minor shoplifting for example) by local municipal judges or justices of the peace who are not part of state court systems as most juvenile and family courts now are. Traffic violations do not come within the jurisdiction of juvenile and family courts in most states.

Most traffic and local ordinance violations do not warrant incarcerations of juvenile offenders; however in such rare cases where it may be necessary (DWI and juvenile is picked up at night far away from his/her home), detention should be only in special juvenile detention facilities, a foster home with persons specially trained to deal with juvenile detox situations, or a medical facility. We have long subscribed to this position and have advocated it for many years in appropriate training programs involving law enforcement and juvenile detention as well as judges, prosecutors and court intake and probation personnel.

Representatives of the Community Resources Corporation, which has the ongoing OJJDP contract to provide technical assistance on Jail Removal, have appeared at many of our major programs, especially the yearly National Conference on Juvenile Justice. Incidentally, many of the states not in substantial compliance with the jail removal mandate will not benefit at all from the House's desire to provide them additional "formula" funds in 1988 for this purposes. They are too small, even with the additional allocation, to receive more than \$225,000 minimum funding under the distribution formula in the Act. These states would benefit more with respect to this problem through provision of national technical assistance services.

It is vitally important that the federal government maintain at least the small federal initiative in juvenile justice represented by the Juvenile Justice and Delinquency Prevention Act. As has been demonstrated since the program's inception in 1975, it has proven effective and cost effective. The federal government should continue to provide this leadership. To do so it should maintain and expand its programs so prominently cited in the Purpose section of the Act to provide training, technical assistance, practical, objective cost effective research and dissemination of its results, and demonstrations of programs that work. In addition, the federal coordinating role of the Agency is important.

These purposes can only be carried out through the national discretionary programs which, if properly conceived and conducted, are of direct benefit to the states and localities. In areas of training, technical assistance, applied research, demonstrations, standards, statistical collection and trend analysis and related information dissemination -- these purposes and functions will just not occur unless they are provided for through discretionary funding at the federal level.

These programs were severely cut in 1981 when the appropriation was cut from the \$109 million level to about \$70 million. They will be badly cut again if the House position prevails with respect to the 1988 appropriation. They will be further reduced since the Agency is currently devoting a significant portion of its Discretionary funding to juvenile substance abuse related programs, although it received no appropriation whatsoever from the Congress (as the National Council believes it should have) under the massive Anti Drug Abuse Act of 1986.

The National Council wants to make clear that all the programs for which we currently receive discretionary funding from OJJDP are of direct benefit to the states and localities. For example:

**Training of Court and Court-Related Personnel:** With one rare exception, we know of no expenditure of state (formula) funds for this purpose. Our College is the national provider of these services and is largely funded by OJJDP. Not only do judges and others come to our national and regional programs in Reno and elsewhere, but we are subsidized by the agency to assist states in their judicial training programs through planning, providing faculty, recommending expert speakers, etc.

**Technical and Informational Assistance for Courts and Related Agencies:** All provided to states and local jurisdictions. A lot of this is in the nature of:

You have this problem and have asked for help. "Y" jurisdiction similar to yours appears to have solved it. Here is information on how they did it and who to contact there.

Sometimes:

We'll come to your jurisdiction with an expert from Y and help you to implement Y's solution in your jurisdiction, but you've got to report back to us and OJJDP that you did it.

**Statistical Analysis:** The courts report their information to our Research Center. We analyze it and, when published annually, they can see how they compare with other Jurisdictions on such matters as severity of sentences for given offenses and number of cases transferred to adult criminal court.

**Special Programs:** OJJDP has funded us through a national initiative to keep abused and neglected children from "drifting" in foster care, providing services to reunite them with parents if possible; if not, to terminate parental rights and place those children for adoption as soon as possible. Currently we are passing \$2 million dollars of OJJDP Discretionary funds directly through to the states for this purpose. For example, Michigan is receiving \$77,000 and Iowa \$24,000. All we do is monitor and provide technical assistance to the committees receiving these funds in every state.

The bottom line is that the types of discretionary programs we have outlined and many others of direct relevance to system improvement are a vital part of the federal leadership role in juvenile justice. Without these types of programs, inherently by their nature national in scope, there will be little or no federal leadership.

In reauthorizing the Act we believe the current Act's balance of distribution of funds as between the several discretionary accounts and between the state formula funds and the discretionary funding should at least be maintained. If the Congress sees fit for the years '89 - '92 to restore the authorization and appropriations levels back up towards where they were in 1980, we would enthusiastically support and applaud your actions.

Further, although the National Council realizes that this matter is not within the direct purview of your subcommittee, we want to go on record as recommending that in '88 and subsequent years' funding of the Anti Drug Abuse Act, some of those funds should be allocated to OJJDP for use in programs for drug and alcohol abuse prevention among high risk youth.

That Act is superb in defining high risk youth. We judges see these youth and their abusing families every day. A recent national survey the National Council conducted confirms that juvenile and family court judges believe that such abuse is a key factor in at least 70 percent (some say as high as 90 percent) of all the cases they deal with, not just delinquency cases.

Yet, I can sadly report that, so far as we judges can see, little of the money is getting out for high risk youth programs. This is because many of these kids are long gone from school. They are on the streets. They are in public housing and are on public welfare.

Many are now in gangs, many of which are spreading interstate, with thoroughly integrated operations including the manufacturing, marketing and distribution of crack, PCP, and now "designer drugs." This is a gross distortion of our society's values. This is "junior achievement" run amok. It is an epidemic. It has spread from the ghettos and barrios and into the suburbs. At an appropriate time I would hope your, or another, subcommittee might wish to hear from some of our big city judges on this matter and some of their ideas on what might be done about it.

The National Council of Juvenile and Family Court Judges and I appreciate the opportunity to testify here today in support of the reauthorization of the Juvenile Justice and Delinquency Prevention Program. Thank you so much for your attention.

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Mr. KILDEE. Thank you, Judge Radcliffe, for putting some of our thinking in a good historical context, too. Being from Michigan, we tended to copy a great deal from the Ohio Constitution when we wrote that. We came in a little later than you because we had a little war with Ohio over Toledo, but we did copy part of their Constitution.

Judge Quinn?

Judge QUINN. Mr. Chairman, members of the committee, I, like Judge Radcliffe, am particularly pleased to be here today. I think that anyone would be honored to have the privilege of a hearing before a Congressional committee at any time. But I feel particularly privileged, Mr. Chairman, since I have the good fortune today as one of your constituents—this despite the fact that our City of Flint, as you know, was rated by Money Magazine as 300th as good places to live.

Of course, I have a little bit of a consolation prize however, because I was reading in the papers this week that western Kentucky rates as the number one place in the country as a place to retire, and since I am originally from Kentucky, I feel somewhat uplifted by that.

I also—I am pleased to be a member of this distinguished and knowledgeable panel. I found the testimony of Lieutenant Gardell to be particularly refreshing, because I don't often here police officers talking that kind of talk, and I liked what he had to say.

As the last member of the panel, I wish I could give you some assurance that you have saved the best for last, but I cannot. I can assure you, however, that you have served—or saved, rather, the least for last. But either way, I intend to be mercifully brief.

I happen to be a person who believes, if you can't say what you got to say in 10 or 15 minutes, you would perhaps be well-served, or at least I would, to go away somewhere and write a book. Now, my friends say I use that as a cop-out because the fact is, I can tell you everything I know in 10 or 15 minutes, and probably give you back some change.

I am here today, Mr. Chairman, as you know, both as a Judge and as the Chairperson of the Subcommittee on Juvenile Justice for the National Association of Counties. I hope to be able—I said there would be a divergence of opinion between the counties, to make that known to the committee, and I may not however—but I will attempt to do so.

I am proud to represent the National Association of Counties today however otherwise known as NACo, and one of the reasons I am so proud of that organization is because of the role that it has taken in trying to reform the juvenile justice system, and to that end, NACo has been involved in a number of activities.

It is, for example, a member of the Ad Hoc Coalition for Juvenile Justice and Delinquency Prevention, and we are very proud to be a part of that Coalition, and you alluded to the fact earlier, Mr. Chairman, that you had a letter from that group and that they had supplied you with some materials. If they have not supplied you with a little pamphlet that I have here, entitled "Facts and Fiction," I would certainly like to have that made a part of the record here, because I think it is a—very illuminating.

Mr. KILDEE. Yes, we have that, and it will be made part of the record.

Judge QUINN. Thank you, sir.

NACo, as I am sure you know, has always been an enthusiastic supporter of the Juvenile Justice Act, and we urge its reorganization, and we do that because we believe that the Act has done much to improve the condition of children in this country.

But we also believe that there is much more to be done. I think that today there is perhaps even a greater need for the Federal Government to play a leadership role in improving the condition of children, and I say this because in my 17 years as a juvenile judge, I have never seen public anger towards children at a higher level than it is today, and in response to that anger, State legislatures rushed to pass mandatory sentencing laws and automatic waiver provisions in adult courts for certain offenses, and in response to that anger, our juvenile detention centers, our jails and our prisons are filled to the rafters, and we rush head-long to build or to add additional space.

In fact, we are building jails and prisons so fast that someone remarked that we are suffering from an "edifice complex." The main hope, I think, for reversing this trend is at the Federal level.

Today, I will make brief remarks on NACo's recommendations for strengthening the Federal Act to ensure that the original objectives of it are actually addressed, and to help maximize a very limited Federal investment.

First, let me spend just a minute or two talking about removal of children from the police lockup. You know, jail removal is still a big problem in this country, and there is absolutely no question about that, and the battle I have won will be a long and difficult one, but I think the police lockup presents an even greater challenge, and this is true because of several reasons.

First of all, the police lockup is the most common type of jail in the United States. It is so common that we don't even know how many we have, but the estimates are that they number more than 13,000. Almost no data exists for these lock-ups, but there are certain things that we do know.

We know that many are used to incarcerate children. Some reports put the number in the many thousands. We also know that many are poorly run and are otherwise substandard, and we also know that for children, they are far more dangerous than jails, and it is because of these reasons and those stated in our written testimony that we recommend that the police lockup should be targeted in the reauthorized legislation for special attention.

We also believe that special attention should be given to making changes in the Act that would provide incentive grants to the States to develop or enhance statewide subsidy programs that would be subsidy programs that would be developed in partnership with local and State governments, which would support the goals of the Act.

Now, there are such provisions in the present Act, however, they are buried in the legislation and are given a very low priority, but even so, a number of States have used OJDP funds to launch statewide subsidy programs that further are complementary general objectives of the Act.

For example, Oregon used funds from the Act to cover most of the developmental costs needed to design its Community Juvenile Services Act, a State subsidy program now funded at \$11 million biannually.

The objectives under the Oregon legislation are similar to the goals of the Federal Act, such as least restrictive intervention, treatment in the community, and a policy favoring alternatives to secure custody.

Other examples of the Act functioning as a catalyst and designating collateral State programs can be found in Pennsylvania and Virginia, and as we have heard today, in the State of Ohio, which took a relatively small amount of money and is now spending \$25 million to that end.

So I think that we have really—I have not appreciated in the past how significantly State programs can be affected by a very small amount of money coming from the Federal level, so we would like to see that program enhanced under the reauthorized legislation.

And finally, Mr. Chairman, NACo suggests that we not lose sight of the prevention aspects of the Act. In designing the legislation, Congress sought through early prevention and diversion efforts to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention programs and to divert juveniles from the traditional juvenile justice system.

In the last few years, the emphasis on these goals has all but disappeared. NACo would like to see a return to the early intervention strategies and new and improved linkages between schools and social service agencies.

In short, we would like to see more time, effort and money put at the front end, because as we all know, it is either pay now or pay later.

Thank you very much.

[The prepared statement of Hon. Luke Quinn follows:]

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**NATIONAL  
ASSOCIATION  
of  
COUNTIES**

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202/393-6226*

**STATEMENT OF**

**THE HONORABLE LUKE QUINN**

**ON BEHALF OF**

**THE NATIONAL ASSOCIATION OF COUNTIES**

**BEFORE**

**THE UNITED STATES HOUSE OF REPRESENTATIVES**

**SUBCOMMITTEE ON HUMAN RESOURCES**

**OF THE COMMITTEE ON EDUCATION AND LABOR**

**ON**

**THE REAUTHORIZATION OF THE JUVENILE JUSTICE**

**AND DELINQUENCY PREVENTION ACT (HR 1801)**

**SEPTEMBER 11, 1987  
WASHINGTON, DC**

STATEMENT OF THE HONORABLE LUKE QUINN ON THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES (NACo)\*, BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON HUMAN RESOURCES OF THE COMMITTEE ON EDUCATION AND LABOR.

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I AM LUKE QUINN, PROBATE JUDGE FROM GENESEE COUNTY (FLINT), MICHIGAN. IN MICHIGAN, PROBATE JUDGES HANDLE JUVENILE CASES, AS WELL AS ESTATES, ADOPTION, MARRIAGES, AND COMMITMENT PROCEDURES FOR THOSE WITH SEVERE MENTAL DISORDERS. I AM CHAIRMAN OF THE NATIONAL ASSOCIATION OF COUNTIES JUVENILE JUSTICE SUBCOMMITTEE. I AM PLEASED TO BE HERE THIS MORNING TO PRESENT NACo'S VIEWS ON THE REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT.

LET ME ALSO ADD, MR. CHAIRMAN, THAT THE NATIONAL ASSOCIATION OF COUNTIES IS PRIVILEGED TO BE A MEMBER OF THE AD HOC COALITION FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION--A GROUP MADE UP OF MORE THAN TWENTY-FIVE NATIONAL STATE AND LOCAL ORGANIZATIONS WHO ARE DEEPLY COMMITTED TO RESPONSIBLE JUVENILE POLICIES AND PROGRAMS AND WHO HAVE BEEN SUPPORTIVE OF THE MANDATES OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974, AS AMENDED.

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\* NACo IS THE ONLY NATIONAL ORGANIZATION REPRESENTING COUNTY GOVERNMENT IN AMERICA. ITS MEMBERSHIP INCLUDES URBAN, SUBURBAN AND RURAL COUNTIES JOINED TOGETHER FOR THE COMMON PURPOSE OF STRENGTHENING COUNTY GOVERNMENT TO MEET THE NEEDS OF ALL AMERICANS. BY VIRTUE OF A COUNTY'S MEMBERSHIP, ALL ITS ELECTED AND APPOINTED OFFICIALS BECOME PARTICIPANTS IN AN ORGANIZATION DEDICATED TO THE FOLLOWING GOALS: IMPROVING COUNTY GOVERNMENT; ACTING AS A LIAISON BETWEEN THE NATION'S COUNTIES AND OTHER LEVELS OF GOVERNMENT; AND ACHIEVING THE PUBLIC UNDERSTANDING OF THE ROLE OF COUNTIES IN THE FEDERAL SYSTEM.

IN MY TESTIMONY LAST YEAR BEFORE THIS SUBCOMMITTEE, I ATTEMPTED TO HIGHLIGHT SOME OF THE MAJOR BENEFITS THAT HAVE OCCURRED AS A RESULT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT WITH PARTICULAR EMPHASIS ON THE STATE OF MICHIGAN AND GENESEE COUNTY. MY OVERALL CONCLUSION THEN IS THE SAME AS IT IS TODAY--THAT THE ACT HAS SERVED AS A MAJOR CATALYST FOR REFORMING THE NATION'S JUVENILE JUSTICE SYSTEM.

THE PROGRAM HAS CLEARLY HAD AN IMPRESSIVE TRACK RECORD--FAR BEYOND ITS VERY MODEST LEVEL OF FUNDING WOULD SUGGEST. THE LEGISLATION HAS BEEN RESPONSIBLE FOR REMOVING TENS OF THOUSANDS OF STATUS OFFENDERS FROM SECURE DETENTION AND ADDITIONAL THOUSANDS OF YOUNGSTERS FROM ADULT JAILS. THE FORMULA GRANT PROGRAM, WHICH OFFERS STATES A VERY MODEST AMOUNT OF FUNDING IN EXCHANGE FOR COMPLIANCE WITH THE DEINSTITUTIONALIZATION AND REMOVAL MANDATES, IS THE KEY TO THE SIGNIFICANT IMPROVEMENTS IN JUVENILE JUSTICE PRACTICES.

FEDERAL LEADERSHIP, THROUGH THE JJDP PROGRAM, HAS ALSO GIVEN PUBLIC OFFICIALS AND PRIVATE CITIZENS THE OPPORTUNITY TO TAKE A CRITICAL LOOK AT TRADITIONAL JUVENILE JUSTICE PRACTICES AND TO TEST NEW INNOVATIVE PROGRAMS. THIS EXAMINATION AND THE INCENTIVE OF FEDERAL FUNDING HAS RESULTED IN STATES CHANGING THEIR LAWS TO COMPLY WITH THE JUVENILE JUSTICE ACT.

DESPITE THESE AND OTHER SUCCESSES, NACO IS CONVINCED THAT MUCH WORK REMAINS. TODAY I WILL CONCENTRATE MY REMARKS ON NACO'S RECOMMENDATIONS FOR STRENGTHENING THE LEGISLATION TO BOTH INSURE THAT THE ORIGINAL OBJECTIVES OF THE ACT ARE ADDRESSED AND TO HELP MAXIMIZE THE RETURN ON A VERY LIMITED FEDERAL INVESTMENT. I WILL CONCENTRATE ON THREE AREAS: (1) THE LOCK-UP; (2) THE USE OF JJDP FUNDS TO LEVERAGE ADDITIONAL INVESTMENTS AT THE STATE AND LOCAL LEVEL; AND (3) THE NEED FOR A RENEWED FOCUS ON PREVENTION AND EARLY INTERVENTION.

1. REMOVING JUVENILES FROM POLICE LOCK-UPS

LAST YEAR IN MY TESTIMONY BEFORE THIS SUBCOMMITTEE, I DISCUSSED ONE STATUTORY PRIORITY THAT HAS BEEN SERIOUSLY OVERLOOKED--THE REMOVAL OF JUVENILES FROM POLICE AND MUNICIPAL LOCK-UPS.

IT SEEMS CLEAR TO ME THAT ONE MAJOR REASON FOR THIS NEGLECT IS THE GENERAL LACK OF NATIONAL FOCUS AND DOCUMENTATION OF THE LOCK-UP PROBLEM. ANOTHER FACTOR IS THE ENORMITY OF THE PROBLEM. THERE ARE SIMPLY MANY MORE LOCK-UPS THAN JAILS -- GIVEN THE LIMITED RESOURCES UNDER THE ACT, THE JAIL BECAME A MORE MANAGEABLE TARGET FOR IMPLEMENTING THE REMOVAL MANDATE.

ALTHOUGH THE FEDERAL GOVERNMENT HAS BEEN COLLECTING DATA ON LOCAL JAILS FOR THE LAST SIXTEEN YEARS, ALMOST NO DATA EXISTS FOR POLICE LOCK-UPS. INDEED ALL THE PERIODIC NATIONAL JAIL CENSUS REPORTS PUBLISHED SINCE 1971 ALWAYS CONTAIN AN EXPLICIT FOOTNOTE THAT THE REPORT EXCLUDES DATA FROM HOLDING AUTHORITIES WHICH HOUSE PEOPLE FOR LESS THAN 48 HOURS.

THUS THE LOCK-UP, THE MOST COMMON TYPE OF JAIL IN THE U.S., HAS ESCAPED NATIONAL PUBLIC ATTENTION. I SHOULD ADD THAT THE LACK OF LOCK-UP DATA AT THE STATE LEVEL IS EQUALLY DEPLORABLE. IN A NUMBER OF STATES, I AM TOLD, NO DATA EXISTS AT ALL. YET "LOCK-UPS" ARE RELIABLY REPORTED TO HOUSE MANY THOUSANDS OF JUVENILES EACH YEAR AND WE KNOW MANY ARE IN VERY POOR CONDITION AND GENERALLY FAR MORE DANGEROUS THAN JAILS. A MICHIGAN STUDY OF 15 SUICIDES THAT OCCURRED IN JAILS AND LOCK-UPS IN 1984 FOUND THAT 53 PERCENT OCCURRED IN THE FIRST SIX HOURS OF CONFINEMENT. GENERALLY, EXPERTS AGREE THAT THE THREAT OF SUICIDE IS MOST CRITICAL DURING THE FIRST 12 HOURS OF CONFINEMENT.

IN RECENT MONTHS SEVERAL ENCOURAGING DEVELOPMENTS HAVE OCCURRED WHICH MAKES ME AT LEAST HOPEFUL THAT WITH INCREASED AND SHARPENED FOCUS THE JAILING OF JUVENILES IN LOCK-UPS CAN EVENTUALLY BE ELIMINATED.



ON JULY 12 OF THIS YEAR, DR. STEVEN SCHLESINGER, THE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS (BJS) IN A SPEECH BEFORE NACO'S JUSTICE AND PUBLIC SAFETY STEERING COMMITTEE, REPORTED THAT THE CENSUS BUREAU ACTING AS THE COLLECTING AGENT FOR BJS HAD MAILED OUT A NATIONAL SURVEY TO A REPRESENTATIVE SAMPLE OF SOME 3,000 LAW ENFORCEMENT AGENCIES ON THE LOCK-UP.

AMONG OTHER QUESTIONS, DR. SCHLESINGER REPORTED, THE SURVEY WILL, FOR THE FIRST TIME, SEEK TO DETERMINE THE MAXIMUM TIME FOR WHICH A PERSON CAN BE HELD, THE MAXIMUM CAPACITY OF THE LOCK-UP, THE AVERAGE DAILY POPULATION FOR THE LAST 12 MONTHS, AND THE TOTAL NUMBER OF ADMISSIONS OF JUVENILES AND ADULTS DURING THE LAST 24-HOUR PERIOD. THE DATA WILL BE TURNED OVER TO BJS IN FEBRUARY OF 1988.

ANOTHER POSITIVE DEVELOPMENT WAS ANNOUNCED JUST A FEW WEEKS AGO ON AUGUST 18, 1987 WHEN OJJDP ANNOUNCED A NEW INITIATIVE FOR THE REMOVAL OF JUVENILES FROM ADULT JAILS & LOCK-UPS. THE NEW INITIATIVE WILL PROVIDE VERY MODEST NON-RENEWABLE GRANTS UP TO \$50,000 EACH IN TWENTY STATES. GIVEN THE PAST NEGLECT OF THE POLICE LOCK-UP IN MOST STATES, NACO ANTICIPATES THAT MOST STATES APPLYING FOR FUNDS UNDER THIS INITIATIVE WILL BASE THEIR APPLICATION ON THE LOCK-UP ISSUE.

THERE CAN BE NO QUESTION THAT CONSIDERABLE EFFORT AND RESOURCES WILL BE REQUIRED TO DEVELOP SYSTEMATIC IMPROVEMENT AIMED AT ELIMINATING THE USE OF LOCK-UPS FOR JAILING JUVENILES. ALTERNATIVES INCLUDE NOT ONLY JUVENILE DETENTION, BUT NON-SECURE OPTIONS AS WELL, SUCH AS IN-HOME DETENTION, FOSTER CARE, ATTENTION HOMES, INTENSIVE SUPERVISION, AND SHELTER CARE. WHAT IS REQUIRED IS A SYSTEM OF CENTRALIZED INTAKE FOR JUVENILES WHICH WOULD MAKE PLACEMENT DECISIONS ON AN INDIVIDUALIZED BASIS.

WHILE NO ONE KNOWS THE EXACT NUMBER OF LOCK-UPS ACROSS THE COUNTRY, IT IS ESTIMATED THAT THERE ARE OVER 13,000. WHAT IS KNOWN, HOWEVER, IS THAT NOT ONLY DO MANY LOCK-UPS DETAIN JUVENILES, BUT MANY OF THEM ARE IN POOR AND SUBSTANDARD CONDITIONS. POLICE ARE NOT TRAINED TO OPERATE THESE FACILITIES AND RUNNING THEM IS OFTEN CONSIDERED TO BE A LESS THAN DESIRABLE DUTY. FURTHER, LOCK-UPS HAVE LOW VISIBILITY UNTIL PUBLIC ATTENTION IS CALLED TO THEM AS A RESULT OF A SUICIDE OR RAPE. A NUMBER OF NATIONAL POLICE ORGANIZATIONS APPEAR UNITED IN RECOMMENDING THAT THE POLICE GET OUT OF THE BUSINESS OF RUNNING LOCK-UPS ALTOGETHER. THE POLICE EXECUTIVE RESEARCH FORUM HAS ADOPTED THIS AS ITS OFFICIAL POSITION.

## 2. STATE SUBSIDIES

ONE OF THE LEAST RECOGNIZED BENEFITS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT HAS BEEN ITS CATALYTIC ROLE IN LAUNCHING STATE SUBSIDY PROGRAMS THAT FURTHER OR COMPLEMENT THE GENERAL OBJECTIVES OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT.

IN OREGON, FOR EXAMPLE, FORMULA FUNDS FROM THE JJDP ACT WERE USED TO COVER MOST OF THE DEVELOPMENTAL COSTS NEEDED TO DESIGN OREGON'S COMMUNITY JUVENILE SERVICES ACT--A STATE JUVENILE SUBSIDY PROGRAM NOW FUNDED AT \$11 MILLION BI-ANNUALLY. THE OREGON SUBSIDY PROGRAM SUPPORTS THE WORK OF VOLUNTARY LOCAL PLANNING BOARDS WHO DESIGN ALTERNATIVE PROGRAMS FOR YOUTH.

LEGISLATIVE OBJECTIVES UNDER THE OREGON ACT ARE SIMILAR TO SOME OF THE GOALS UNDER THE JJDP ACT: LEAST RESTRICTIVE INTERVENTION, TREATMENT IN THE COMMUNITY, AND A POLICY FAVORING ALTERNATIVES TO SECURE TEMPORARY CUSTODY.

AT THE HEART OF THE PROGRAM IS THE WORK OF 35 COUNTY JUVENILE SERVICES COMMISSIONS MADE UP OF A TOTAL OF 560 VOLUNTEERS WHO CONTRIBUTE AN AVERAGE OF 17,000 HOURS PER MONTH. ACCORDING TO STATE OFFICIALS, LOCAL CONTROL AND INVOLVEMENT CREATES AN "INVESTMENT" BY THE COMMUNITY IN THE QUALITY AND

EFFECTIVENESS OF YOUTH AND FAMILY SERVICES THAT IS NOT POSSIBLE WITH STATE OPERATED SERVICES. THE PROGRAM IS SEEN AT THE LOCAL LEVEL AS ONE OF THE BEST EXAMPLES OF A SUCCESSFUL WORKING PARTNERSHIP BETWEEN COUNTIES AND STATE GOVERNMENT. CONSIDERING THAT OREGON PRESENTLY RECEIVES ONLY \$460,000 A YEAR IN ITS STATE FORMULA ALLOCATION UNDER THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, THE CREATION OF AN 11 MILLION SUBSIDY PROGRAM WHICH IS TOTALLY CONSISTENT WITH THE ACT IS OF MAJOR SIGNIFICANCE.

ANOTHER EXAMPLE OF THE ACT FUNCTIONING AS A CATALYST IN DESIGNING A COLLATERAL STATE PROGRAM CAN BE FOUND IN THE STATE OF VIRGINIA. WITH THE HELP OF DEVELOPMENTAL FUNDS FROM THE FEDERAL JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, A PROGRAM WAS LAUNCHED IN 1979 THAT NOW TOTALS MORE THAN \$2 MILLION ANNUALLY. IN THE FIRST YEAR GRANTS WERE AWARDED TO SIX COMMUNITIES ON A 75% STATE-25% LOCAL MATCH. BY 1987, 32 OFFICES FOR YOUTH HAD BEEN ESTABLISHED.

THE VIRGINIA PROGRAM ENCOURAGES LOCAL GOVERNMENTS TO SYSTEMATICALLY EXAMINE CONDITIONS THAT CAUSE DELINQUENCY AND TO WORK TOWARD THEIR ELIMINATION BY FOSTERING POSITIVE LIFE

EXPERIENCE FOR YOUNG PEOPLE. THE VEHICLE IS A LOCAL YOUTH SERVICES BOARD OR YOUTH COMMISSION MADE UP OF YOUTH, VOLUNTEERS, YOUTH SERVING AGENCY PROFESSIONALS AND LOCAL ELECTED OFFICIALS.

ANOTHER OUTSTANDING SUBSIDY PROGRAM WHICH CAME INTO BEING AS A RESULT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT IS PENNSYLVANIA'S ACT 148. IT BECAME EFFECTIVE IN 1978 FOLLOWING PASSAGE IN AUGUST 1977 OF STATE LEGISLATION (ACT 41) THAT PROHIBITED THE JAILING OF JUVENILES. ACT 141 COUPLED STATE FINANCIAL INCENTIVES WITH REQUIREMENTS FOR REMOVING JUVENILES FROM ADULT JAILS AND FOR DEINSTITUTIONALIZING STATUS OFFENDERS. IT PROVIDED REIMBURSEMENT TO COUNTIES FOR YOUTH PLACEMENTS ON A SLIDING SCALE THAT GAVE THE GREATEST INCENTIVE FOR PLACEMENTS IN LESS RESTRICTIVE COMMUNITY-BASED SETTINGS.

A 1981 STUDY BY ARTHUR D. LITTLE, INC., ENTITLED "REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCK-UPS" CLEARLY DOCUMENTS THAT THE FEDERAL JJDP ACT HAD MAJOR IMPACT IN STIMULATING THE STATE LEGISLATION AND THE CRITICAL ROLE OF THE STATE PLANNING AGENCY IN DEVELOPING SUPPORT FOR THE PROGRAM. I AM PROUD TO REPORT THAT THE PENNSYLVANIA ASSOCIATION OF COUNTY COMMISSIONERS AND THE PENNSYLVANIA SHERIFF'S ASSOCIATION WORKED IN CONCERT WITH THE STATE ADVISORY COMMITTEE IN PROMOTING SUPPORT FOR THE LEGISLATION, BUT WITHOUT THE FEDERAL STIMULUS, THIS LAW WOULD STILL BE ON THE DRAWING BOARDS. SECTION 14 OF THE ACT, WHICH

BECAME FULLY EFFECTIVE ON DECEMBER 31, 1979, CONTAINED AN ABSOLUTE PROHIBITION AGAINST DETAINING CHILDREN IN ADULT JAILS AND LOCK-UPS:

"AFTER DECEMBER 31, 1979, IT SHALL BE UNLAWFUL FOR ANY PERSON IN CHARGE OF OR EMPLOYED BY A JAIL KNOWINGLY TO RECEIVE FOR DETENTION IN SUCH JAIL ANY PERSON WHOM HE HAS OR SHOULD HAVE REASON TO BELIEVE IS A CHILD."

A RENEWED FOCUS ON PREVENTION AND EARLY INTERVENTION

RECOGNIZING THAT MANY TROUBLED YOUTHS ARE PASSING THROUGH OUR ELEMENTARY AND SECONDARY SCHOOLS WITH SERIOUS PROBLEMS UNDETECTED, AND WITHOUT ADEQUATE CARE OR ATTENTION, I WOULD RECOMMEND, MR. CHAIRMAN, THAT OJJDP, THROUGH ITS DISCRETIONARY GRANT PROGRAM, PROMOTE CLOSER LINKS BETWEEN SCHOOLS AND EXISTING LOCAL PUBLIC HEALTH AND MENTAL HEALTH AGENCIES. THE TIME HAS COME FOR US TO INVEST MORE HEAVILY IN THE FRONT END LONG BEFORE A CHILD COMES IN CONTACT WITH THE JUVENILE COURT.

THE BENEFITS TO THE TOTAL COMMUNITY OF JOINT EFFORTS BETWEEN LOCAL GOVERNMENTS AND SCHOOL OFFICIALS NEED TO BE EMPHASIZED. FOR EXAMPLE, IN SOME COUNTIES SOCIAL SERVICE PROGRAMS PROLIFERATE, YET MANY JUVENILES FEEL ALIENATED WHEN SEEKING HELP. ABOUT 2000 COUNTIES RUN THEIR OWN HEALTH

DEPARTMENTS. MOST COUNTIES OPERATE WELFARE, RECREATION, ELDERLY, SPECIAL EDUCATION AND NUTRITION PROGRAMS. YET MANY YOUNGSTERS, FACING THIS MAZE OF PROGRAMS, NEVER RECEIVE ANY ASSISTANCE. PLACING SERVICE PROGRAMS IN SCHOOLS MAKES THEM MORE ACCESSIBLE BECAUSE THERE IS A SCHOOL IN ALMOST EVERY RESIDENTIAL NEIGHBORHOOD.

IN PRINCE GEORGE'S COUNTY, MARYLAND, THE SCHOOL BOARD, MEDICAL SOCIETY, COUNTY HEALTH DEPARTMENT AND OTHER GROUPS JOINED FORCES TO OFFER A WELL-ATTENDED EVENING CLINIC HELD IN A RURAL SCHOOL. THE CLINIC IS ONE OF SEVERAL ADMINISTERED BY THE COUNTY IN PUBLIC SCHOOLS.

HEALTH PROGRAMS IN SCHOOLS CAN SCREEN CHILDREN FOR PHYSICAL OR EMOTIONALLY HANDICAPPING CONDITIONS THAT WILL COST PUBLIC TAXPAYERS MORE MONEY IF LEFT UNTREATED. IN THE AREA OF MENTAL HEALTH, FOR EXAMPLE, IT IS ESTIMATED THAT MOST CHILDREN ENCOUNTER AT LEAST ONE CRISIS DURING THE AVERAGE 12-YEAR SCHOOL CAREER. MANY HAVE PROBLEMS REQUIRING PROFESSIONAL ATTENTION SUCH AS COPING WITH DIVORCE, DEPRESSION, ABUSE OR LEARNING DISABILITY. LEFT UNTREATED, THE CRISES CAN LEAD TO JUVENILE DELINQUENCY, DROP-OUTS OR OTHER SOCIAL PROBLEMS.

RECOMMENDATIONS1. TARGETING THE LOCK-UP FOR SPECIAL EMPHASIS

NACO IS PLEASED THAT SEVERAL AGENCIES OF THE DEPARTMENT OF JUSTICE HAVE BEGUN TO FOCUS ATTENTION ON THE REMOVAL OF JUVENILES FROM POLICE LOCK-UPS. THE RESOLUTION OF THIS SERIOUS PROBLEM WILL REQUIRE A MAJOR EXPANSION OF INTERGOVERNMENTAL COOPERATION BETWEEN CITY, COUNTY AND STATE GOVERNMENTS. GIVEN THE MANY YEARS OF NEGLECT, REAUTHORIZED LEGISLATION SHOULD TARGET THE LOCK-UP FOR MAJOR SPECIAL ATTENTION AND PROVIDE FLEXIBILITY TO THOSE STATES THAT ARE MAKING A CONCERTED EFFORT TO COMPLY WITH THE REMOVAL MANDATE.

2. PROMOTING AND DEVELOPING STATE SUBSIDIES THROUGH THE JUVENILE JUSTICE ACT

RECOGNIZING THAT MANY OF THE OBJECTIVES OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT CANNOT BE MET WITHOUT ADDITIONAL RESOURCES AND SYSTEMATIC IMPROVEMENTS, NACO HAS LONG FAVORED CHANGES IN THE ACT THAT WOULD PROVIDE INCENTIVE GRANTS TO STATE GOVERNMENTS TO DEVELOP OR ENHANCE STATEWIDE JUVENILE SUBSIDY PROGRAMS THAT: (1) SUPPORT THE ACT'S GOALS THROUGH SYSTEMATIC REFORM AND (2) ARE DEVELOPED IN PARTNERSHIP WITH LOCAL



GOVERNMENTS. THE OREGON, VIRGINIA AND PENNSYLVANIA SUBSIDY PROGRAMS DEMONSTRATE THE ENORMOUS POTENTIAL OF THE JJDP IN PROMOTING AND DESIGNING SYSTEMATIC REFORMS AND IN CREATING A MULTIPLIER EFFECT ON A VERY LIMITED FEDERAL INVESTMENT.

THE LOCAL PLANNING BOARDS ESTABLISHED UNDER STATE LEGISLATION PROMOTE COMMUNICATION AND PLANNING AND PROVIDE A MECHANISM FOR EXPANDING, COORDINATING AND EVALUATING NEW AND INNOVATIVE SERVICES IN THE COMMUNITY. FEDERAL INCENTIVES, HOWEVER, SHOULD BE FLEXIBLE ENOUGH TO ALLOW FOR INDIVIDUAL STATE AND LOCAL DIFFERENCES, AND NOT PENALIZE ANY STATE THAT HAD ALREADY INSTITUTED SUCH PROGRAMS. FINALLY, TO QUALIFY FOR INCENTIVE FUNDING STATE LEGISLATION SHOULD CONTAIN CERTAIN ESSENTIAL FEATURES, SUCH AS LANGUAGE CALLING FOR THE CREATION OF LOCAL PLANNING BOARDS AT THE COUNTY OR MULTI-COUNTY LEVEL, REQUIREMENTS FOR THE DEVELOPMENT OF A COMPREHENSIVE PLAN, REQUIREMENTS RELATIVE TO THE ENACTMENT AND ENFORCEMENT OF STATE STANDARDS AND POPULATION REQUIREMENTS TO ENCOURAGE MULTI-COUNTY PROGRAMMING.

MR. CHAIRMAN, THERE ARE ALREADY PROVISIONS IN THE ACT TO USE OJJFP FUNDS TO PROMOTE STATEWIDE SUBSIDY PROGRAMS BUT, UNFORTUNATELY, SUCH PROVISIONS ARE BURIED IN THE LEGISLATION. THEY ARE TOO NARROWLY DRAWN UNDER SEC. 223 10 (H) AND ARE GIVEN VERY LOW PRIORITY UNDER SECTION 113(B). AS THE LEGISLATION IS

CURRENTLY WRITTEN, FUNDS TO "DEVELOP STATEWIDE PROGRAMS THROUGH THE USE OF SUBSIDIES" WOULD ONLY BE AVAILABLE FROM REVERTED FUNDS AND ARE IN DIRECT COMPETITION WITH SIX ADDITIONAL FUNDING CATEGORIES. GIVEN THE POTENTIAL OF STATE SUBSIDIES TO DRAMATICALLY ADVANCE THE GOALS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, NACO RECOMMENDS THAT A SEPARATE TITLE ADDRESS THE PROMOTION OF STATE SUBSIDIES. IN ADDITION WE WOULD LIMIT STATE SUBSIDIES TO SUPPORT STATE AND LOCAL INITIATIVES THAT WERE CONSISTENT WITH THE ACT RATHER THAN LIMITING THE STATES TO PROGRAMS DESIGNATED AS EXEMPLARY BY THE NATIONAL INSTITUTE OF JUSTICE OR BASED UPON THE RECOMMENDATIONS OF THE NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

3. FOCUSING ON PREVENTION AND EARLY INTERVENTION

FINALLY, MR. CHAIRMAN, NACO WOULD LIKE TO SUGGEST THAT WE NOT LOSE SIGHT OF THE PREVENTION ASPECTS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT. IN DESIGNING THE LEGISLATION, CONGRESS SOUGHT THROUGH EARLY PREVENTION AND DIVERSION EFFORTS TO "INCREASE THE CAPACITY OF STATE AND LOCAL GOVERNMENTS AND PUBLIC

AND PRIVATE AGENCIES TO CONDUCT EFFECTIVE JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND REHABILITATION PROGRAMS," AND "TO DIVERT JUVENILES FROM THE TRADITIONAL JUVENILE JUSTICE SYSTEM..." THE IDEA, YOU WILL RECALL, WAS TO PROVIDE AN EMPHASIS ON PREVENTION. IN THE LAST SEVERAL YEARS THAT EMPHASIS HAS ALL BUT DISAPPEARED.

NACO WOULD LIKE TO SEE A RETURN TO EARLY INTERVENTION STRATEGIES AND NEW AND IMPROVED LINKAGES BETWEEN SCHOOLS AND SOCIAL SERVICE AGENCIES.

Mr. KILDEE. Thank you very much, Judge Quinn. Just one comment.

I leaned over to the ranking minority member after your remarks about the police lockups, municipal lockups, and you raised a very good point. I have asked Mr. Spears to get us information on lockups to include that in ongoing data collection, and we may work together to get something in the authorization language itself mandating collection of that information. So I thank you for raising that point.

I have a couple of questions here. The Justice Department currently estimates that 22 States will not have substantially complied with the jail removal requirement by October 1st. Consequently, those 22 States will not be eligible to receive a formula allotment in fiscal year 1988.

There are two questions on that. Why do you think so many States are having difficulty meeting that jail removal mandate, and what changes, if any, should be considered in H.R. 1801 to address this situation?

I asked that latter question primarily for this reason. If we give some leeway, are we sending out a wrong message? Can you respond to that? Judge Radcliffe?

Judge RADCLIFFE. Perhaps I could explain some of the things that happened, and some of the counties of America, is they do not have the money to provide alternative facilities. For example, we built a six-county joint detention facility in my county, and we brought in five other counties who joined with us, and under the LEAA monies, we received 9-percent funding. 10-percent funding was done on a local level. The 9 percent is no longer there, and the 10 percent has shrunk and some of my colleagues in some of the Southwestern States tell me that they do not have the fund to do things.

What we try to do in these areas is to talk about alternatives to detention. For example, like intensive probation, which means that you have a monitoring system in place which takes daily contact with that person to make sure they are not getting involved in more things.

We know that there are some systems that are being developed on—by electronic devices on an adult level that is an alternative to being detained. The jail removal question is one of economics. I don't think it is one of compassion. I think there is a deep concern.

I think the juvenile judges of this Nation, as Judge Quinn could probably share with you, dislike putting a child in a restrictive facility unless it is absolutely necessary. Not great glee that is involved in a judge detaining a child, and I am sure there is a lot of anguish involved in those judges that have no alternatives but to hold a child in a situation where security is required.

I guess there is no alternative to funds, Chairman Kildee. I am familiar with the experience that Judge Quinn did in his district. I am familiar that—with what he was able to do. I am also aware what Judge Cannell has been able to do in your district.

Judge Cannell and I share in numbers every year to see who has held them the least number of days, but if you are talking about what is out there and what the problems of some of the States and counties, are not speaking of my State, but I am talking about the

other States that you are familiar with that primarily want economics on a local level.

Mr. KILDEE. The Executive Branch of Government, Lieutenant.

Mr. GARDELL. Thank you. A couple of things: First, I would remind you that those 22 States are being funded on a compliance based on that 75-percent substantial compliance measurement, and as you mentioned earlier, we think that that measurement used alone is not an accurate reflection of how much progress the States have made.

States have made very good progress towards jail removal, and so the first thing I would ask you to consider is the measurement being used at that particular time to find those 22 States out of compliance.

Second, I think that it is more than an economic issue. I think that there is plenty of examples around the country where legislation has been passed, and the counties have found other things to do with the kids that were going into their adult jails, that it indeed requires a process of in each State and for all policy makers to go through and first understand the issue, to first understand why and how these kids are ending up in adult jails, and then to understand the harm and potential harm of those children in the adult jails and the benefits of treating a kid in a juvenile system as opposed to an adult system, warehousing him as an adult.

Once you have accomplished that, you have changed some attitudes around the State, and once the attitudes change, the practices change, and the legislation becomes a reality, so yes, you need to have the dollars that this program provides to some extent, some motivation, some innovation to providing community-based alternatives.

You also need to go through an education process whereby everyone in the State understands why it is important to treat juveniles outside of the adult jail situation and then practitioners will use those services when there is a need for those particular things, so I say it is two things.

It is a long process, something that takes more time than perhaps is anticipated, but it is coming around and many States are very close to obtaining 100 percent compliance.

Mr. KILDEE. If we would allow some adjustments in the data base from where they start the percentage, would we not be sending a wrong message, though, that we aren't really fervent on trying to achieve this goal?

Mr. GARDELL. Mr. Chairman, I will respond by saying that the SAGs are 100 percent in support of the mandate in not changing the deadline for the 100 percent compliance part of the mandate at all.

All we are talking about here is that 75 or that substantial compliance part of the Act, and I think you could say the very strong message to the States that the 100 percent mandate stands, the deadline of December 1988 stands, however, due to the problems with the measurement and the fact that many States are very close—my State is one that has not obtained 75 percent, yet we introduced legislation last year that passed the Senate unanimously.

Unfortunately, they adjourned before they could work out a conference with the House part of it. We are providing legislative initi-

ative now through the Department of Corrections. We are very close to attaining 100 percent. We won't be able to show the 75 percent in the deadline, and therefore, what we found out of compliance prior to obtaining the goal that we see is very critical.

Mr. KILDEE. Michigan is having difficulty on compliance, too, on that. Yes, Judge Quinn?

Judge QUINN. Yes, if I could just respond briefly, Mr. Chairman, and I would like to do so in my own capacity or my capacity as a Judge rather than as representative of NACo. I think one of the problems in connection with the removal initiative is we have got a lot of people who are not committed to it, and they don't believe in it, and unfortunately, Judge Radcliffe, I think some of those folks had to be judges, not all judges of course, but I know the position of the National Council, but in our State of Michigan, for example, there has long been an effort to pass legislation which had absolutely banned the jailing of juveniles, and the State's Association supports that legislation as do the State police, the PTA, the League of Women Voters, the Department of Social Services.

Only one organized group opposes it. That happens to be the Juvenile Judges Association opposes legislation banning the jailing of children in the State of Michigan, and I am really sad to say that, but that is the truth, and I think the problem is, is that we have such a low tolerance for frustration when it comes to crime, is that we have got to rush to punish.

We can't even wait to find out whether the kid did it or not, and we lock him up before we found out if he did. But most of these who go to jail in Michigan and other States are children who are there awaiting trial.

They are not sent there, and they have been found guilty. They are there awaiting trial, and I think if the States that absolutely prohibit this—from jailing children, they would find some very convenient ways to handle the problem.

We have all heard the old saying about necessity being the mother of invention. I think that would apply in this case as well, and I just don't believe that kids belong in jail under any circumstances, but we are going to have to hang tough, or else they will continue to be there.

Mr. KILDEE. Yes.

Mr. KRISBERG. I want to comment that I am reminded when the Youth Law Center was walking through the Long Beach City Jail in California, and they found these cribs, and they said, what are the cribs and baskets for, and they said, that is where we put the babies, and they found out what had happened was a routine practice in which public welfare workers, because of ingrained traditional practices, would drop abused, neglected kids in jail rather than place them in a more suitable place, and the poor jailers didn't like this thing, and bought some cribs and baskets and toys just so the babies would be taken care of as best they could right opposite this sort of main area.

That story always struck me as the heart of the jail issue, is you have got to say to people you can't do this anymore, because social workers, policemen, all kinds of people for just general matters will engage in practices like that, and the jailer is kind of stuck, because they have got to do that.

Someone drops a kid off; they have got no choice but to handle it, but the key issue is you have to say, you can't do this anymore, and in the States that have passed the most effective legislation, that is what we have said, you will not do this any more.

Now, on the issue of the deadline in Pennsylvania and California, special time periods were given to certain jurisdictions where it was demonstrated they might have a little more difficulty. In the most rural and remote counties of California, they were given, I think, an extra year in the initial draft to come in compliance, because we understood they might face some additional planning and some other kinds of things.

So, I think if you hold firm to the commitment and to the ultimate deadline, but recognize that some States may need some flexibility, I don't think you are sending any messages at all. You are just being reasonable in understanding this is a very diverse Nation.

Mr. KILDEE. If we were to do that, we would probably have to use a vehicle in the Appropriations Committee, because this bill cannot be reauthorized until next year, so I want to listen to you, and I want to continue the dialogue with you on this question.

I think we all want to try and solve the question and reach the same objective. I think we have no difference at all in that objective, and we may want to contact the appropriate subcommittee at Appropriations and let them do something there.

We want to make sure they get our tacit permission ahead of time before they start authorizing anything.

Mr. KRISBERG. One other thing that I want to say. If you are going to hold tough, you have also got to, I think, make a major commitment on the part of the Office of Juvenile Justice to provide help.

I said before that the Office provided some good help, and Jim Brown in the audience has certainly given a great service to a great number of jurisdictions, but the amount of money that has been allocated for jail removal is a pittance of the discretionary funds, and when you consider tens of millions of dollars that has been used for highly questionable projects in the last several years, I think we have to look at that very carefully, and we have to raise serious questions about now, you know, we can't go back over old bridges, but at least we can begin focusing a substantial amount of those Federal discretionary funds on this jail removal issue.

So not only are we saying we can't do it anymore, but offering help to States that are struggling with these questions.

Mr. KILDEE. Certainly we will work on that. I want to push towards that objective, the 100 percent, and use the best means possible to achieve that objective, and you people out there certainly are on the front line more than we are in helping us arrive at that objective.

Before my second line of questioning, I will defer to Mr. Tauke.

Mr. TAUKE. Thank you, Mr. Chairman. On this question of the sanctions against the States, it has been my concern that in essence, we were saying those who needed the help the most would be the ones for whom we would cut off the funds.

Is there merit to that observation?



Mr. GARDELL. Certainly the States that have not come into compliance are—and are working hard towards it, need that extra motivation, so I guess I could agree with you certainly, Mr. Tauke, that cutting them off at this point would say that all the work that they have done, and although they haven't actually made it, yes they need the help, and we are not going to give it to them at this particular point.

Mr. TAUKE. Is the funding cutoff a sufficient motivation for the States to move forward and do something, or are there a number of States in your view that might simply say, well, those are the breaks, and not change practice as a result of the funding cutoff?

Mr. KRISBERG. I think two issues are there. One is on the issue of amount of money. You here people saying the amount of money we get from the Act is not that big. It is going to cost us more to comply, but the fact of the matter is most Governors, and I think a lot of legislative people would be very embarrassed if they had to walk out of the Act, and I think the embarrassment factor looms much larger than the dollars, per se.

I don't think too many States are prepared to walk out of the Act based on an issue like this. I think they would look bad, and I think political leaders—it is really an unjustifiable position. The other thing is with this new case in Iowa, which you are probably aware of, the Griggs case, we may be seeing a wave of litigation using the Juvenile Justice Act under the theory of private cause of action, and States are going to be facing a lot of out-of-pocket costs to defend litigation, and we don't know ultimately where that is going to go, whether the Federal courts are—but I hate to sentence the States to years and years of litigation and all the costs associated with that, when there is an easy legislative and administrative fix that would help it.

Mr. TAUKE. Are all the States making a serious effort to comply in your view? Are there some States that are simply not trying to live up to the mandate?

Mr. KRISBERG. Well, if I may just jump in. I think almost all the States are making a serious effort. The biggest problem that I see is less financial as much as it is organizational. In many States, the actual practices are very decentralized, very localized, and in effect, the State legislature has no authority, and the State has no mechanism to really accomplish this, so I think it is the decentralized, localized—particularly when you get into the lock-up question, which makes it the biggest problem getting all the players that you need to agree to come together, and that is why you know we have been pushing legislative statements, because if a State builds that legislation and finally they have a hook, finally they have a way of bringing the 87 Sheriffs together to talk about common solutions.

Mr. GARDELL. I would agree with that, and also just mention it is difficult to get a handle on what you would consider, you know, making an effort towards jail removal. I think all the State advisory groups—I know all the State advisory groups are unanimous and committed—particularly committed to this mandate and working hard to do that.

Sometimes it is difficult to show that within a State if you look just at stats. You have to look at activities. The legislative efforts that have gone on may not show up in terms of practices until



after the legislation is passed and there is some sort of a lag time to get the practitioners up to compliance with that particular legislation.

Mr. TAUKE. So we might say, for example, if you met the standard by number or if your legislature has approved a mandate of some kind, that might be one.

Mr. GARDELL. I would add some of those other things I talked about earlier, like if you managed to remove all status offenders, if you substantially reduce the number of jurisdictions, if you can show in other ways unequivocal commitment either through your Governor or whoever would have that authority within your State, those kinds of things would also be important at this particular time.

Mr. TAUKE. On the minority youth question, Dr. Krisberg, and anybody else who has comments, you outlined what is a serious problem, I think, that we need to address. I am wondering if there are any jurisdictions, States or cities, in which we see a different pattern from what we see nationally?

Is there anybody who is doing well on this question?

Mr. KRISBERG. Well, I can't really say people are doing well with this question. I think there are a number of jurisdictions that are working very hard on this question.

One of the things we see—

Mr. TAUKE. Are they working successfully?

Mr. KRISBERG. I think they are successful to some extent where again, I always have to caution that by the community forces that—juvenile justice people really have to contend with.

In Utah and Massachusetts, for example, where the rates of incarceration have dropped dramatically, that has positively impacted minority communities as well. That is, a lot of minority youth used to be in training schools in Utah, Massachusetts, and now in other kinds of programming.

The other thing is in both of those States, they have been very sensitive to the fact that unless you get minority involvement and build those alternatives in those communities, you will not see substantial progress.

Utah has gone very far in the Hispanic community building specialized programs, and in fact, Utah is a State that has a lower than expected percentage of Hispanic youth in its secured training program.

The State of Colorado just funded a very major study of decision making throughout its entire—with respect to minorities, without the system, and the State is now wrestling with the issue of where you fund diversion programs and what the Division of Youth Services can do.

I think there is greater awareness on this question. One of the issues that I would like to see pushed to the forefront is the issue of public and private programs. There is no question that there is a real disparity going on.

The real question is what is causing it, how is this unfolding. But I think—I think States are doing better, but again, we have to remember that part of this problem is the conditions that minorities face, the deteriorating communities, the family situations, the ob-

scene dropout rates which the juvenile justice system by itself cannot address.

To the extent that it can address those things at all, I think it has to focus better on educational and job-related things. Troy Duster has, I think, pointed out from the University of California at Berkeley the economic is changing so dramatically and becoming so much more competitive. The kinds of skills that young people need are so different today that a lot of our conventional approaches are not serving minority youth, because of traditional routes by which minority youth made it in this society, you know, the auto plants in Michigan and those kinds of things, that those opportunities are slimmer and slimmer, and so, we have got to rethink educational crises and for these kids in the juvenile justice system who, after all, came from chaotic families, have real problems with literacy and having grown up in situations where they have to understand a lot about the world of work and careers.

They particularly need that help. I am also distressed when I travel around the country and I go to training schools and people brag about how many GEDs they are giving out in the training schools. Well, GED, that is almost a worthless degree these days.

Mr. KRISBERG. You can't get too many jobs with it. There aren't many outlets for that. So we have to work with people in probation in the courts to realize we have to do more in education and job preparedness, but different kinds of things. Because the correctional system is so isolated, often they get on to these trends afterwards.

We have to bring that thing into the juvenile justice system because these kids maybe need it most of all.

Judge RADCLIFFE. One of the things that the instrumentalities created was that in each community there was a citizen advisory committee appointed halfly by the judge, and the community commission themselves selected the final member, and that committee's composition insisted there should be minority members on it.

But whether making an allocation for a subsidy on an annual basis to work out the issues and see where the areas of concern are and how you should address it, it brings together the community and the executive and judicial branch of government to analyze it and see if there are programs that can be dropped to alleviate a problem if it is taking up more of the concern of the community than other kinds of problems.

We have educators on that program and psychologist and people out of the community with specialized training to focus on the needs—the needs of Ross County are much different than the needs of Cuyahoga or Summit County. One of the unique things we have found is even if that subsidy funding is terminated the second year, that community interest is created and starts to then go into its own program out there.

Many times a small amount of resources available in training and understanding the issue goes a long way. To get back to the issue of how you deal with the jail removal problem, I think we share a common view that there has to be an education process. You talk about educating the police officer, the people on the street. Those people have to be trained on how you deal with the use of a facility and whether or not it is prohibited.

All judges know that actions are prohibited by law. We have found that out from the Iowa experience. So, there is an absence of that information being transmitted quickly and, I think, the quicker we get that job done and dissemination of information to those involved in education systems of judges, that is one of the roles the National Council plays, our instructors and faculty members are judges.

We find judges will listen to other judges but not to other people. So that part of our training program is that judges are helping judges to understand. Being a lawyer and getting elected doesn't make you a judge. It gives you the opportunity later on, I guess. The community will judge whether or not you are a judge.

Mr. **TAUKE**. So you don't get any smarter when you get elected either. I thought it only worked that way for us.

Thank you, Mr. Chairman.

Mr. **HAWKINS**. Mr. Tauke has asked one of the questions that I had. However, in the answer, a reference was made to Massachusetts. I think we all could learn from Massachusetts because they have a prosperous economy that has helped to solve many of the State's social problems. I think that we might look at their program. If there is any state that has achieved practically full employment, it is Massachusetts.

At the very beginning, I indicated my great concern about the gang problem including school violence. This issue, Mr. Chairman, presents somewhat of a dilemma for me.

I am presently drafting a bill to deal with gang violence. My dilemma is whether or not it should be part of the Juvenile Justice and Delinquency Prevention Act, which has a reference to gangs, or whether it should be a free standing bill.

I am somewhat concerned about the subject of approaching my own constituents in terms of jail removal. Many of them would like to put the youth involved in these gangs in jail. This situation presents a very serious problem, and I am wondering how much we can accomplish in the context of the reauthorization of H.R. 1801.

We didn't have this crisis situation in 1974, as we do today. I know that solutions aren't going to be as easy. I think Judge Quinn had made a reference to a prevailing spirit of "get tough." Perhaps if we approach some of the more serious offenders with a different solution than just locking them up, we might be able to impact this situation.

Although time does not permit each panel member to answer, let me ask the only member of the panel from my state, Mr. Krisberg, even though he is 400 miles away from Los Angeles, what his reaction is to dealing with this aspect of the problem through renewal of the Act, or should it be dealt with separately Independent of the Juvenile Justice and Delinquency Prevention Act? Legislative strategy is more than a fundamental difference of opinion, I am sure.

Mr. **KRISBERG**. I would support the inclusion of a focus on gangs although I think those of us who have done research and looked at gang programs recognize that it is limited to a certain sector of the country and there are a lot of places where gangs are something you see on TV. Certainly, L.A. is not one of those places.

The public is concerned about crime, they are very cynical about our attempts to cope with it, but I think the public opinion polls are showing that the public has not given up on treatment and rehabilitation. Two-thirds of the public said that the primary purpose of the juvenile justice system should be treatment and rehabilitation, and a survey suggests that the public believes that employment programs would be an effective strategy in reducing crime.

In my experience over 20 years with gangs, I know that the crack-down law enforcement approaches have had limited successes because, when it means crack-down, the gangs go underground and surface again when they feel the police have disappeared. The most effective thing on the gang issue has been employment opportunities. Anyone seeing those has indicated that anytime you go into a community and provide options for gangs, they will take that, whether it is the Philadelphia program—Los Angeles has had these programs, Chicago had an experimental program recently, so we know that if we go into communities involving local community groups cooperating with law enforcement, and work directly with the gangs and provide educational and employment opportunities for the young people, you are going to strip off many of the gang members—sure there will be a core of very dangerous and hard-core people probably that we have no choice but to lock them up, but the power of the gangs in those communities can be substantially negated.

I think the gang problem is directly related to concerns of the act in terms of overuse of incarceration because kids are learning about gangs in institutions. There are joining prison gangs. We now have junior versions of California prison gangs in the California youth area and that spills into the street corner.

You can go to an L.A. street corner and hear people claiming that they belong to prison gangs. So I think this picture we have had of locking everybody up has had the effect of taking the prison gang culture and spewing it out on the streets. One young person in your district said to me recently, we look at going to prison around here like a two-year stint in the Army.

By over doing it we have sort of taken the mystique out of being locked up, it is no longer a disgrace, not that hard a deal. You do your time and come out and it may give you glamour. The tremendous emphasis on using incarceration as our only solution for crime, the cutting of funding for prevention has fouled the gang problem as well and we know that, if you want to combat gangs, you have to do it at the community level, police in our state have lost their community service bureaus and front-end services, so they are handicapped in dealing with the problem. So I support the focus on gangs because the large majority of juvenile violence is wrapped up in gangs.

Mr. HAWKINS. Thank you, Mr. Chairman.

I would like to join with you in commending the panel. I think all the witnesses have been extremely knowledgeable, in presenting their views. I certainly have benefited from this panel's expertise in the juvenile justice arena.

Mr. KILDEE. Thank you, Mr. Chairman.

I read, too, with great dismay, of the problems with the gangs in certain parts of the country. I want to point out, however, that this

law and the proposed revision does not forbid a state from putting juveniles charged with a crime in a secure juvenile detention center.

So the states are in no way deprived of that by this law or the proposed revision.

Whether that serves a useful purpose, or not, can be debated, but if they are charged with a crime in the preadjudication and post adjudication period, they can be put in a secure juvenile facility separate from adults, so we would not change that in the bill.

Mr. JEFFORDS. I wondered if the kind words of my Chairman for the State of Massachusetts was an implied endorsement of their governor. I will let that simmer awhile.

Mr. HAWKINS. I was merely endorsing Massachusetts' program.

Mr. JEFFORDS. I would like to add a couple of comments with respect to the latest discussion.

My own state has probably been one of the leaders in the country in trying to move more toward deinstitutionalization and to working with the juvenile problems early in—well, the late 1960s, and early 1970s. Recently, though, the state has moved backwards, so I think what you are saying is a problem that we have to face.

We had a savage murder-rape situation by a juvenile which has resulted in a changing of laws and a move backward which has put us at risk of being in noncompliance, so it is an area of concern. Vermont being the most rural state in the nation, it has problems in compliance from an economic perspective by virtue of the rural areas and the difficulty convincing people they need to specifically designate a detention place.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Sawyer?

Mr. SAWYER. Thank you, Mr. Chairman.

There are a number of questions that occur. I don't know that I want to get into all of them.

Let me ask a question that goes back though to the first report that was issued by the National Coalition in April 1986. It talked about the structural weaknesses and some of the flaws in the act.

As we consider this legislation, are there any specific kinds of changes that we ought to contemplate with regard to those particular findings?

Mr. GARDELL. From our first annual report?

Mr. SAWYER. Yes.

Mr. GARDELL. There are several, some of which have been done—without going through all the recommendations in that particular report, perhaps, if you would give me some direction on what more specifically you would like to know with regard to anyone of those recommendations, I could be more helpful.

Mr. SAWYER. I was asking more in general about the range of potential difficulties that you touched on. Certainly the way in which the office is organized and operates recurs throughout the report and touches on a number of areas. Would you care to comment on any of that?

Mr. GARDELL. We have several concerns there, some of which are still valid today. We feel that the office should put out its annual plan by July for the fiscal year beginning that October, so that people have an opportunity to make plans and make arrangements to respond to that particular plan.



We would like to see the office be more proactive in its planning process and involve other people in that particular planning process. We have recommended a policy board type of situation which would put together, say, a three-year plan so that there is some long-range planning and guidance throughout the operation of the office in that particular regard.

We also I believe in that particular one recommended that the administrator of the office have some juvenile justice experience, about five years of experience, and we felt that would be very helpful in terms of leading that office to come from some administrative and juvenile justice experience. So all those recommendations would still stand.

Mr. SAWYER. Thank you.

May I ask one more question, and I am not sure who I want to ask this of, because you have all touched on the problem of the need to carry out much of the reform locally by locality.

Can you comment on the effectiveness of standards to which localities adhere, and whether we are talking about alternatives to jailing, or even to time spent in training facilities, or the standards by which adjudication occurs in this first place?

It occurs to me that frequently questions of identifiable obvious learning disabilities that impact the way in which a child behaves and is treated in school, and virtually everywhere else in society, has a significant impact. The education of judges is one thing, but the standards by which the ability to respond and treat is very much another. That is not a very well posed question, I suppose, but I hope it is one that is significant on the lead end of the problem that we are trying to deal with as well.

Mr. RADCLIFFE. I might tell you the experience that we had in Ohio as we went through the formulation of those standards as it related to House Bill 440. Up until that time the standards were always developed by the agency, after formal hearings and that sort of thing.

The legislature obviously was dissatisfied with the standards developed by the agency, and it ended up that the legislature established broad standards, legislatively. This is something that can be dealt with.

That is very difficult, obviously, to deal with because each regulatory agency has its own perception of what their standards should be and, of course, it is difficult to have any input into the development of standards. The ABA as you know, in dealing with this whole field of juvenile justice a few years ago went through an experience where they discussed, and discussed, and disagreed and agreed and ultimately threw up their hands and said, we are not able to really to come to an agreement on something that should have a nationwide experience.

I wish I could give you a better answer, Congressman, but the field of education alone is still dealing with the whole issue of the competency of the teachers. They are dealing with, what are the standards for putting a child in a disability class, as contrasted with the main stream.

Each community's board, each area, goes through some very soul-searching experiences in trying to classify people we deal with, and particularly in the juvenile field, whether you understand that

a child is a mentally ill child, as contrasted with going through adolescent behavior adjustment, and even socialists and mental health people have a difficult time telling us what the status of that child is at a particular time in history.

Mr. SAWYER. One of the recurring questions throughout the 1986 report is the dilemma that states face—and we talked about it a month ago—the dilemma they face in doing those things first which get measured with the greatest clarity. It seems to me that one of the things we need to do is to begin to try to define how we can measure other important goals that go beyond the numbers of children who are jailed and otherwise inappropriately confined and begin to teach ourselves how to measure the other worthwhile goals that we hope to accomplish.

I would hope we could begin to address those kinds of problems.

Mr. KILDEE. Thank you very much, Mr. Sawyer.

Do you have additional questions, Mr. Jeffords, Mr. Hawkins?

I have additional questions, but I will defer those and get them to you by mail. We have another panel coming up.

You have been extremely helpful to us. I would like to work with you particularly and my questions generally run along the line of how we deal with the question of compliance with jail removal.

I think that between now and when we mark up this bill we could ask the Appropriations Committee, with our consent, to defer things until we can see how to sensibly and sensitively approach this problem. So we will be contacting you particularly on that point.

I want to thank you for your expertise. One of the great advantages of serving here in Congress it is like getting a masters degree at a hearing. You have the experts educating you out there and I appreciate it very much.

Thank you very much.

Our next panel will consist of James W. Brown, Project Director, Community Research Associates, Champaign, Illinois; Guy P. Fournier, Vice Chair, Children and Family Council for Prevention Programs, Hyde Park, Vermont, accompanied by Christopher Fleury, Youth Member of that group; Augustine C. Baca, Executive Director, Youth Development, Inc., Albuquerque, New Mexico; Beth E. Farnbach, Executive Director, Temple—LEAP, Philadelphia, Pennsylvania.

Mr. Jeffords.

Mr. JEFFORDS. I would like to welcome my Vermonters here. Guy Fournier is the Vice Chairman of the Vermont Children and Family Council Prevention Programs of the State Advisory Group on Juvenile Justice and Delinquency Prevention. He has been a member since 1984. He has also been Director of the Memorial County Court Diversion Program initiated 10 years ago by IDEP funds, Executive Director of the Vermont State Association of Court Diversion Programs, one of the only state-wide networks in the country for extending alternatives for first offenders. He has a bachelors degree from Johnson State.

Our youth member, Chris, is a Member of the Vermont Children and Family Council Prevention Programs and one of the four youth members. He attends school at the University of Vermont and a resident of Burlington. We look forward to your testimony.

Mr. KILDEE. Mr. Brown?

STATEMENTS OF JAMES W. BROWN, PROJECT DIRECTOR, COMMUNITY RESEARCH ASSOCIATES, CHAMPAIGN, IL; GUY P. FOURNIER, VICE CHAIR, CHILDREN AND FAMILY COUNCIL FOR PREVENTION PROGRAMS, HYDE PARK, VT, ACCOMPANIED BY CHRISTOPHER FLEURY, YOUTH MEMBER; AUGUSTINE C. BACA, EXECUTIVE DIRECTOR, YOUTH DEVELOPMENT, INC., ALBUQUERQUE, NM; AND BETH E. FARNBACH, EXECUTIVE DIRECTOR, TEMPLE-LEAP, PHILADELPHIA, PA

Mr. BROWN. Thank you, Mr. Chairman, and other members of the subcommittee.

My name is Jim Brown, I am Project Director at the Community Research Associates in Champaign, Illinois. It is a privilege to be here and an honor to be providing testimony to this subcommittee.

By way of background, our organization has provided technical assistance to the Office of Juvenile Justice and Delinquency Prevention under a contract since 1978. In that capacity most of our technical assistance has been with state and local government agencies as well as private agencies working on the issues of institutionalization of status offenders, most specifically in the area of juvenile removal.

Our technical assistance has been provided in over 500 instances to virtually every state in the country and the range of that technical assistance has gone all the way from state wide planning, local program development, training, we work closely in virtually every state with the state advisers groups as well as the professional staff of the SAG's and the appropriate state agencies.

Most of our technical assistance arises from situations that are most generally crisis and often unfortunately tragedies. I guess unfortunately much of the work that is done with confinement facilities and confinement issues with juveniles is done as a result of, perhaps, there has been a suicide in a jail, or maybe there has been abuse in a jail, or something like that.

We ascribe to a total systems planning process where our first notion of technical assistance is to go into the community, meet with the leaders, the criminal justice planners, the citizen advocates and try to get them into a process that will look at a situation that maybe just begging for a knee-jerk reaction and try to put them into a process where they look very clearly at the specific problem.

We urge them to collect and to develop very clear data. We urge them to plan in terms of a representative steering committee.

We urge them to develop a network of alternatives of services all the way from secure detention to home detention and some of those types of non-secure programs. We engage them in virtually every instance to monitor and evaluate the programs that they put in place so that an adequate feedback is provided.

I can tell you that it has been a pleasure to work with the states and the local governments in this area of the juvenile justice act because the requirements of the act in terms of DSO separation and jail removal most importantly provides a cutting edge that we



didn't often see in earlier times, in the days of the law enforcement assistance administration.

The goals we blurred and not things that you could get a sharp edge on like improving the system. So working with a piece of legislation with the states to implement this legislation on issues with a fine cutting edge has been a pleasure, and I think has created a sense of urgency in the states to, not only improve and meet the mandates, but also to provide a cross the board much better systems.

If I could digress for second, Mr. Chairman. The question was raised earlier on the issue of minorities and some of the things that can be done to make sure that minorities are not disproportionately represented in the juvenile justice system.

One of the things that we have had a great deal of involvement with is the issue of who gets placed in secure detention and who doesn't. One of the standards that was articulated very early on by the American Bar Association as well as the National Advisory Committee for Juvenile Justice and Delinquency Prevention was a suggestion that courts and local communities create detention criteria that is specific and objective.

The American Bar Association suggests that this be connected with issues of the instant offense and past criminal history. What this does in essence in terms of minorities is it ensures that secure detention takes place based on what the offense is and what the past criminal history is.

We looked at Judge Quinn's court in Flint, Michigan, and found that by his using a very specific detention criteria that the decisions were made in that court about detention based on the offense and past criminal history rather than on issues that might have some bias that we all have that were in that decision making process such as economic status, race, gender.

So I think that maybe there is one area at least that we can look to, not only in Flint, but also in Louisville, Kentucky, those are a couple of communities that have used specific criteria and the end result has been that there is not a disproportionate involvement of minorities in the system.

I would like to focus on two things. The first is on what the group of us who have provided technical assistance to state and local communities over the past 10 years—we have got kind of a unique perspective in that we have been in virtually every nook and cranny of the country working with local officials and lay citizens in trying to work on the serious problems of youth confinement.

I want to preface what I say with a statement that there is a great deal to be done. Things are far from perfect in the rural and urban areas when it comes to the specific issue of secure detention and the use of jails, generally the confinement of young people.

I think that the subcommittee and OJGDP should know that there has in our opinion, been a great deal of progress made. Some improvements are there are for facilities being used for the confinement of juveniles across the country.

I think this is an important statement because if you go back to 1974, virtually every jail in many states was being used. Now there is a dramatic lessening of the number of facilities being used.

The facilities that are continuing to be used are generally licensed by the state and present a far better situation in terms of conditions of confinement, medical services, educational services, again, far from perfect, but I think that it is important to recognize that there has been progress and that the conditions are in fact better than they were 10 years ago.

Contrary to the trend in the 1970s the destructive effects of isolation, the massively destructive effects of isolation on juveniles has been recognized at the state and local level and great improvements are being made there in detention practices. Screening depression, suicide and those kinds of things have become in most states and most local governments, has been a priority item even though again there is a long ways to go, those things have significantly improved.

To give you an idea of what was happening in the late 1970s and what I think the jail removal provision in the 1980 amendments has helped to take care of is the issue of sight and sound separation versus complete removal. A sheriff in Lexington, Kentucky—I was talking with him about the issue of sight and sound separation versus removal, and it was a brand new state-of-the-art jail, 72 beds, three units with 24 individual rooms in each around a day room, the kind of thing in jails that the national standards call for.

He took me to a unit and he showed me in the unit there was a picnic table and there were three juveniles sitting there. The rest of the units was totally empty.

He took me to the other units and he showed me where he was supposed to have 24 residents in each and there were 33 in each.

He said I am technically below capacity but because I have to separate, take a unit and clear it out and put the juveniles in, I have created an overcrowding problem and operational inefficiencies that I would have if I had a hundred adults here. That was probably the responsible way in the late 1970s to look at sight and sound separation as the act called for it.

The irresponsible was what happened in many areas, literally taking the cell, that said isolation cell on it and putting a tag over it that said juvenile cell. That happened, because the jails are facilities that defy you to change it to create new areas within it.

So I think that that is one of the improvements that has been made by Congress going from a stance of sight and sound separation to a stance of complete removal in the 1980 amendment.

There has been a change along those lines in the philosophical approach that says that you should simply sight and sound separate versus completely remove.

The states have finally come to a decision of the most part, that it isn't economically possible or humanly possible to create an adequate separate section within a county jail, that they are better off to look at the state wide type of situation that totally removes along the lines of the Ohio plan, and what they have done in states like Oregon and Pennsylvania.

For the most part as a group, juveniles who are in jails are older than they were and they stay for a less length of time. I think that is a dramatic improvement.

The fear that we all had years ago that there would be a direct one to one transfer of juveniles from county jails into separate ju-

venile detention centers hasn't materialized. That is an improvement.

We saw in the jail removal initiative of the OJJDP conducted some years ago that as juveniles came out of jails there was close to a 40 percent reduction in the number going into secure detention, so if there are a hundred juveniles in jails, as they went into a new system there were only maybe 50 or 60 of those juveniles that actually still required secure detention.

There is no longer in most of the states pervasive state wide attitudes about juvenile jailing. For the most part, jailing in the states that are still having problems can be characterized as pockets of noncompliance.

There are some states where it is pervasive and state wide, but for the most part it is a matter of number of counties who continue to have problems or who continue to not have the commitment to remove juveniles from jails.

There is not a general consensus, wide spread, that juveniles should not be placed in jails, that it is the wrong thing to do.

Let me compare this with—some of the thoughts that get mixed up here is that if you ask people on the issue of who should be detained, if juveniles should be severely detained or not you will probably have a battle to the wire.

I think every thinking person realizes there will be a need for some type of secure detention for juveniles. But there is a widespread consensus among the national, state groups and at the local level that that detention should not take place in an adult facility.

Combined with this as we have found in the states like Oregon, like Vermont, like Pennsylvania, we have found that those states that have prohibited the jailing particularly in places where it is a total prohibition, like Pennsylvania and Oregon, that 3 or 4 or 5 years later after they have done it, that this real feeling of apprehension and fear of anxiety of what will happen has been replaced almost uniformly by feelings of pride and satisfaction.

The people who have done it well are very happy and proud of the situation they have created.

There are some observations that go beyond maybe the specific impact of jail removal that I would also like to touch on. I think because of the juvenile justice act and because of the things that have gone on in this country for the last 10 years, particularly through the formula grants program, is there is a general increase in the level of public and official awareness about juvenile justice and delinquency prevention, particularly about confinement. In other words, it has moved higher on state agendas. It is no longer rock bottom priority.

It has moved up in the agenda of the states. The act has created a national, a state and a local forum for discussing these issues.

There really didn't used to be any place to discuss those issues and unfortunately in a lot of communities there still isn't, but someone, an average citizen, sees something happen and sees that isn't right, whether it be jailing or whatever.

It used to be there was no where to discuss that issue. You could go to the county council but for the average citizen that is a very difficult thing to do, to get up in front of the county council and to make a statement that perhaps isn't very popular.

The act has created forums in terms of conferences, workshops, or ongoing questions where people can come in and be heard on individual problems.

Along those lines it has created an increasingly strong planning base and foundation for working out not only a forum to be heard, but also a way of discussing and talking about how you can plan for this. The places that come to mind like in Idaho—Idaho continues to have serious problems, but one of the things that the act has done there is it has created citizen councils—by citizen, I mean the professionals as well as the lay citizens—in each of the seven different regions.

They originally started dealing with the issue of jail removal and it has since moved to other issues having to do with day care, foster care, education, and it has given the place where at the local level these things can be discussed.

You should be aware and proud of the fact that the initiative started with formula grant funds on a pilot basis have grown in many instances, again, I think immediately of Oregon and in Ohio, Illinois, have grown from being very modest pilot operations, into very good comprehensive state wide programs that are working very well beyond the issues that they were initially intended to.

Along these lines the infrastructure in state and local government having to do with juvenile justice has been greatly supported.

Finally, I think it is fair to say that in all the states that have participated in the act there has been some legislative movement. The laws passed have not always been the laws that the act calls for, not always in compliance, but there has been movement in the deinstitutionalization of status offenders as well as removal of juvenile from adult jails and lockups.

One other thing that I think has been a strong impact is that there is now a philosophical perspective and operational premise that for the vast majority of the youth involved in the juvenile justice system that there is a better way of doing things rather than simply using institutions.

There is strong evidence coming from the research conducted under the act that the things that really matter, whether your a chronic status offender or a plain old status offender or chronic series and violent offender or a school discipline problem, if you want to have impact on those individuals, that it has to come on a one to one basis, that the things that are important is follow-up, after care programs, employment and that kind of thing. That is what the research is showing if we want to be effective there and that research is beginning to catch on in communities and the country.

In 1981, we had the privilege of serving as a National Program Coordinator on OJJDP's jail removal initiative, a four-year project—actually about three and a half-year project that involved 23 multi-county sites across the country.

We worked with these sites. In many cases, they would be the sites where anybody that was looking at the situation would say, yeah, that is the place, that is where kids can't be removed from jails; that is where it won't work. We worked with these 23 sites.

There were dramatic successes during the period of time that they both planned and implemented programs. We saw across those 23 sites an overall reduction in juvenile jailing of 66 percent.

Many of those programs are still going today. Many of those programs have been expanded on a statewide basis, and I would just like to take a minute, if I could, to touch on the eight things that we saw in those programs, as well as the things that we have seen continuously in our technical assistance work that makes jail removal work.

First of all, there needs to be a system of non-secure alternatives. In order for jail removal to work, there simply has to be something else other than the jail. Non-secure alternatives would include things like home detention, it will include things like shelter programs, it would include things like emergency foster care, it would include things like youth attenders.

One of the things that I have learned a long time ago, and very much appreciate is the fact that really great ideas spring from local—from local communities that are really under the crunch in a crisis, and our job as national program coordinator, I think, more than anything else was just to document what was happening there and to see how they were working and how they were effective, so they were—most of the sites were very innovative in putting together the non-secure alternatives.

And in many cases, they were very, very inexpensive. Judge Radcliffe talked about the effort in Ohio. One of the things that they did there, they had 70 counties who were not in compliance with jail removal.

They simply called them together, and it was under the leadership of Judge Grossman in Cincinnati. It was his clout that said come on in folks, and let's see if we can work it out. All these people came in there and were presented with some very low-cost small units type of alternatives that, if he could put in place for five or \$10,000 in the local areas to get that few number of kids that were still going in jail out.

Transportation programs, home detention and whatnot. They came in. They were all—went through a full day process of listening to information about alternatives, and also putting together plans for applying for the money.

That was very, very successful. Over the next year, they applied for what—they kind of sat back and thought, you know, what would work for us and how can we take this and change it? It was very successful.

The same scenario has been played out in a number of areas nationwide.

A second item that we found in virtually all jail removal efforts that were successful is they must have access to secure juvenile detention, to that separate facility. Now, this doesn't mean building a new facility. In fact, it very seldom means building a new facility.

Most of the areas that have been successful have worked out arrangements where they transport 60 to 80 percent of the juveniles that are securely detained initially are going to be released within 48 hours. That is just the way it is, whether they are in a detention center or in a jail or wherever.



Communities have worked out ways that we can take care of that initial period of time. First of all, they found that they don't need to detain every kid that comes down the line, as they have been doing.

Secondly, they found they can very easily develop some type of a holdover facility in their own community for the short period. It is not a full-blown juvenile detention center, and also they have developed transportation programs. Occasionally a facility will have to be built.

The western slope of Colorado has absolutely no facilities whatsoever to--juvenile detention facilities, but they all use jails. They went to a system where they got that number of juveniles requiring secure attention down to rock bottom by a very good program of alternatives, but unfortunately, they were having to drive some of these juveniles clear over to the eastern slope, which at best was a very difficult thing to do.

So, what happened was that they went in conjunction with the State of Colorado, Division of Youth Services, and built a small juvenile detention center, separate juvenile detention center in Grand Junction.

That was a case where building really made sense, and it works fine for them. And the situation in the upper peninsula of Michigan, Mr. Kelly, that I am sure you are familiar with, is the whole notion that the 17 counties in the upper peninsula have also put together a similar program.

I would imagine that some day there is going to be a small, State-run secure facility in market simply to provide for that low number of services they currently have rather than driving all the way to Flint, but building has not been one of the staples in this program of jail removal.

A third ingredient that we find in virtually all of these programs is the use of specific detention criteria program, and I mentioned that a little bit earlier. It is very important that all the actors get together, law enforcement, the courts, probation, everyone that is involved and decide up front what do we want to use secure detention for, and try to put together a criteria that will assure public safety, that will ensure public integrity of the court process, and they have been able to get their detention levels down to a level where it has not been an endangerment to the public safety of the court process.

Fourthly is 24-hour intake, and again, the States have been very, very innovative in this in terms of who actually does the intake, but we found where it worked, there has got to be a face-to-face intake.

Now, in places like South Carolina, they call them detention screening agents, and they work under the general supervision of the probation officers, but probation officers in the past in rural areas have been called out of bed or they answer the phone and made a decision.

Here, they have detention screening agents where well-trained, experienced, qualified individuals that say, yeah, Tuesday night and Thursday night, we will provide that face-to-face screening under your supervision, and under guidelines and they are well trained.

They call them youth attenders in Michigan, I forget what they are called in Colorado, but it is different in every State. Again, it is this highly individualized approach.

Fifth, and I think this was mentioned earlier by a number of the previous panelists, is that there needs to be a commitment from the community. I think commitment is overall the most important thing in this. I have got—always said that planning without commitment is a waste of time, and it really is.

We have—I guess going alone with the territory, one year we were working in technical assistance, is you work with a number of jurisdictions where there isn't any commitment. They are kind of going through the motions.

But when the commitment is there, when the people are in anticipation to make a change, decide enough is enough as they did in the upper peninsula, said they just want to change this, and we do not want to do this anymore, it goes together remarkably fast, but that commitment needs to be there at the community level.

Sixth and probably the most boring, mundane part of this whole thing is the fact that we have found, where programs and jurisdictions have done a very good job of putting together written policies and procedures—I mean, literally having an operations manual on how all this works, that they have been very successful, because it is not only that they have something to refer to, but in order to put that together, all the people had to sit around a table and answer all the tough questions that they have never really dealt with before, and that, I think, is one of the bottom lines. It is very important to do.

A seventh area is that an effective monitoring system needs to be put in place. Jurisdiction at first blush, when they first start something, are almost—it is a trial and error thing. It is not going to be perfect. There needs to be a system where they can validate over a period of time what works and doesn't work.

And finally, there needs to be statewide and local sponsorship and funding. Maybe this is one of the most important things, and it was mentioned earlier by several of the panelists, and that is the fact that unless the State and local community work together on this, it isn't going to work.

Rural counties just by themselves can't do it. We just don't have the resources to pull it off. They have got the will and the commitment and the energy, but they don't have the resources. It has got to be a marriage with the State agencies, and this has to do with planning, and it has to do with funding and has to do with operations, standards, training, the whole shot.

In the States, what has really been done well—Oregon, Pennsylvania, Ohio I think is an example, Tennessee—the States that are doing a real good job of this, there is that marriage that is in place.

Pennsylvania, for instance, has a system where the State has said to the local county that, if you place a juvenile in secure juvenile detention in an approved facility and under a specific criteria, that we will reimburse the county 50 percent of the cost.

They have also said to that same county, that if you put a juvenile in an approved non-secure residential program or home detention or something like that, we will reimburse you 90 percent of

the county, so there is an incentive there to use the least restrictive setting, and it is a program that works very well.

Other States have different ways of shoving that money down, but unless that subsidy marriage type of thing is there, it just isn't going to work.

I guess in closing, I would just—I would just like to say that, first of all, I would like to urge you to reauthorize the Juvenile Justice Act and to continue the great leadership that this Act has provided in the country. Without it, there wouldn't be anybody else. We would be left literally with a system where the only people saying—giving direction would be the Federal Courts, and I don't think that is a desirable situation.

Secondly, I would like to say to you that it really has made a difference, even though when you see the bottom-line figures, the number of States in compliance, and that may not be where any of us want to see it. There has been progress and movement, and there is a lot of States out there that are way, way out on a political limb that have—are taking some chances, and they are in the process of getting this done, and to not have the jail removal provision and to not have the support that comes with the funding and all the things the Act provides would be to cut a lot of these people off right at the last minute.

So, thank you for the privilege of speaking to you.

[The prepared statement of James W. Brown follows:]





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REAUTHORIZATION OF THE  
JUVENILE JUSTICE AND DELINQUENCY  
PREVENTION ACT

Testimony of  
James W. Brown  
Community Research Associates

Before the  
United States House of Representatives  
Subcommittee on Human Resources  
of the Committee on Education and Labor

September 11, 1987  
Washington, D.C.

Chairman Kildee, Representative Tauke, Members of the Subcommittee, my name is Jim Brown and I appreciate the opportunity to appear before you today in support of H.R. 1801 to reauthorize the Juvenile Justice and Delinquency Prevention Act through 1992.

Community Research Associates has been under contract to the Office of Juvenile Justice and Delinquency Prevention since 1978 to assist states and territories participating in the Juvenile Justice and Delinquency Prevention Act in their efforts to remove juveniles from adult jails and lockups. During this period of time we have worked with all of the participating states and territories on this issue, served as an information repository and clearinghouse to aid in the transfer of successful strategies and techniques, and provided technical assistance to over 500 public and private agencies interested in jail removal. In addition we have conducted a number of special projects for OJJDP including an assessment of state juvenile codes, periodic regional and national workshops, public education campaigns, various technical manuals, and a prepared broad range of technical assistance documents and publications. Our technical assistance staff is multi-disciplinary and ascribes to a total systems approach to the problems of confinement of youths in secure facilities. The process is one which insists on representative participation by all interested parties, urges the development of a network of services, relies on state and national standards for all residential and nonresidential programs, and encourages coordination of the larger system of youth services at the state and local level.

#### Impact of the JJDP Act

It is our opinion that the impact of the JJDP Act has been pervasive and significant in those states and territories participating in the Act. Even though a great deal remains to be accomplished, it can be stated with certainty that the character of juvenile confinement has improved during the past decade due to the Act. Several improvements are evident in many of the states and territories.

- There are fewer facilities being used for the confinement of juveniles.
- In those facilities which do continue to be used, the conditions of confinement are better than in the past. This includes medical and mental health, education, recreation, access, supervision, physical, and personal safety.
- Contrary to the trend in the 1970's, the destructive effects of isolation (often under the rubric of sight a

sound separation) have been recognized and changes are being made in detention practices.

- The philosophical approach to juvenile jailing which sought to separate juveniles from adult offenders is slowly changing to an approach which endeavors to completely remove juveniles from adult jails and lockups.
- As a group, those juveniles who are jailed are older and the number of total detention days is less.
- There has not been a direct one-to-one transfer of juveniles from adult jails to separate juvenile detention facilities as many had feared following the 1980 Amendment.
- Juvenile jailing is no longer a pervasive statewide practice in many participating states and has, for the most part, been reduced to "pockets" of noncompliance.
- There now exists a general consensus that juveniles should not be confined in adult jails and lockups.
- There is general satisfaction and pride regarding the new system of juvenile detention practices established in those states and territories which have prohibited juvenile jailing.

In addition to these observations regarding progress in jail removal, it is our opinion that a broader, more significant impact has occurred within participating states and territories as a result of the Act.

- The level of public and official awareness about juvenile confinement practices and the administration of juvenile justice has increased significantly and has been elevated on the overall state agenda nationwide.
- The Act has created a national, state and local forum for the discussion of issues related to juvenile confinement practices specifically and juvenile justice and delinquency prevention generally.
- The Act has created an information database which, even in its elementary stage of development, provides an increasingly clear picture of juvenile confinement practices, due process, offender accountability, program effectiveness, and conditions of confinement nationwide.
- The Act has created a strong planning foundation in many states which allows public officials and citizen advocates to assess the needs of young people and implement

policy and practices to resolve problems which exist. Even though the original focus was on juvenile confinement practices, this planning resource has matured into a process which is now addressing the broad range of neglected, abused, exploited, troubled, and delinquent youths.

- Initiatives started with pilot funding from the Act have grown to comprehensive, well funded statewide approaches to juvenile justice and delinquency prevention in many states.
- The infrastructure of state and local agencies has been changed in many states to coordinate services to youth, to assure state agency sensitivity to local problems, to provide state dollars for local control and priority, and to regionalize services in rural areas generally underserved in past years.
- The Act has led directly to new legislation and changes in administrative policy related to the mandates of the Act in virtually every participating state. While the level of improvement varies from state to state, every participating state has enacted legislation which has improved the level of compliance with DSO, separation or jail removal.
- In many states, the Act has led directly to the development of a philosophical perspective and operational premise that, for the vast majority of youth involved in the juvenile justice system, a reduction in youth crime and rehabilitation of the offender can best be accomplished by a continuum of care which is community-based, stresses offender accountability, is responsive to the needs of youth and their families, and provides a full range of opportunities to succeed. This is a radical departure from the institutional philosophy which existed before the Act.
- The Act has had the cumulative effect in most participating states of involving more people in delinquency prevention and the administration of juvenile justice. This involvement has had many positive effects including enhanced public understanding, cost efficiency, and program effectiveness.

#### Effective Strategies and Techniques for Jail Removal

In addition to our technical assistance activities, we have served as National Program Coordinator on the OJJDP Jail Removal Initiative and worked with twenty-three multi-county project sites

nationwide to remove juveniles from adult jails and lockups. During this Initiative (1981-84) each project site planned for and implemented a program geared toward jail removal. The results were dramatic with an average decrease in jailing of sixty-six percent across all sites. Eight sites eliminated the practice entirely. Perhaps the most important development in the Initiative was the identification of those factors which lead to successful jail removal. The strategies and techniques which proved effective in accomplishing jail removal include the following.

### 1. Nonsecure Alternatives

Secure juvenile detention is not the only appropriate placement option for youths who are being held in jails. In fact, for many youths it is totally inappropriate. Communities who recognize this and develop a network of alternatives to secure detention are better equipped to meet their jail removal goals. In addition, sites with nonsecure alternatives are able to make better use of available resources, and consequently can rely less on secure detention, which is generally two to three times more expensive than nonsecure alternatives.

### 2. Access to Secure Juvenile Detention

But even with available nonsecure options, a community will still have to deal with serious offenders who pose a threat to public safety and thus require some sort of secure placement. If the only secure settings available are adult jails and lockups, then jailings will most likely continue. Communities that cannot afford to build a secure facility can usually avoid having to jail serious offenders by arranging purchase-of-care agreements with other counties. For many rural areas, purchase-of-care agreements are the most important components of their systems. It is possible to reduce reliance on secure detention, but it is not possible to eliminate it.

### 3. Objective Detention Criteria

There must be, at the heart of a community's removal plan, a set of detention criteria that local officials have approved and adopted. These criteria must be designed to provide specific and objective guidelines for each placement referral. The more these guidelines emphasize verifiable information such as offense and court history, the more likely are the chances that each case will be handled equitably and that only those youths who require secure custody would be placed in secure detention.

#### 4. Twenty-four Hour Intake

To insure that intake guidelines will be applied consistently, formal, centralized intake services must be available on a twenty-four hour basis, and they must be staffed by trained personnel. For most communities, twenty-four hour services can be provided fairly economically through "on call" staffing arrangements. Communities that are able to set up central intake units are generally more successful at implementing their jail removal programs. Police can bring a youth to the unit where intake staff make all placement decisions according to objective detention criteria. But whenever intake staff fail to control all placement decisions, chances are much greater that there will be a large number of unscreened jailings. It is here that cooperation from other sectors of the community is especially important: if anyone is given authority to hold a youth in custody without contacting the intake unit, then local officials will be unable to prevent juvenile jailings.

#### 5. Commitment from the Community

Local officials need to make an active commitment to the goals of jail removal if a jail removal program is to succeed. Whenever youths are taken into custody, usually a variety of agencies and individuals have contact with them, including law enforcement officials, juvenile judges, probation officers, detention center directors, and intake personnel. If any one of these individuals or agencies fails to endorse the jail removal program, then jailings will most likely continue. Law enforcement's participation is especially vital. Unless the referring officer understands and supports the goals of jail removal, intake personnel may not be notified immediately when a youth is taken into custody and the youth may be placed in jail. Any breakdown in intake's effective functioning increases the likelihood of juvenile jailings.

#### 6. Written Policies and Procedures

Carefully written policies and procedures do not in themselves prevent juvenile jailings, since formal guidelines can of course be ignored. Perhaps it is what written policies and procedures represent that matters. Written guidelines, for example, indicate a commitment to efficiency and consistency in a program. They also represent effective administration of a program. Written guidelines convey a commitment to a general philosophy as well, and perhaps even more important, they articulate

clearly the reasons for doing things in certain ways. The rationale here is fairly obvious: once everyone understands exactly what they are to do in certain situations, and why they must do these tasks in a certain way, then the chances that policies will be understood and followed are increased. Communities who take the time to develop written policies and procedures often avoid problems which less successful sites can not overcome, simply because their personnel have specific guidelines to follow in most situations.

#### 7. An Effective Monitoring System

It is not enough to simply implement removal plans and then wait for the results. Removal strategies have to be modified periodically as problems occur, circumstances change, and obstacles appear on the horizon. Communities that actively monitor their programs from the start are generally able to identify problem areas more quickly and adjust their policies on an as-needed basis, while sites without effective monitoring programs often realize the magnitude of their problems only after it is too late to solve them.

#### 8. Local Sponsorship and Funding

Using local funds and personnel to administer jail removal programs is important for several reasons. It helps increase confidence in the program, and it insures that those most directly affected by the program will understand and support it. The more local officials take an interest in jail removal, the more actively they will support a jail removal program, and consequently the more successful the program will be. The same holds true for the amount of local funding pledged to a project. It increases the incentive for making the project succeed and helps win support for jail removal.

#### 9. Cooperation and Coordination with State Government

An essential ingredient in effective planning and implementation of jail removal programs is close cooperation and coordination with state agencies involved with juvenile detention and alternative services. State agencies provide funding subsidies for secure detention and alternatives to its use, guidelines and standards to assure a uniform high quality of services to youth, seed money to get pilot programs underway, training for staff and volunteers, and networking among jurisdictions in regional delivery systems.

### Continuing Problems of Jail Removal

A major issue related to jail removal is the continuing conflict between Congress and the Federal courts regarding the extent to which county jails and municipal lockups should be used for secure detention of juveniles. Exceptions are built into compliance with Section 223(a)(14) which allow use of these facilities under circumstances. For instance, the Act allows a six-hour grace period for law enforcement processing following arrest, provides up to ninety-six hours for law enforcement officials in rural areas to make adequate arrangements for supervision and detention of juveniles awaiting court appearance, and allows indefinite use of county jails and municipal lockups where adequate separation by administrator, program, staff and physical plant exists.

Participating states have, for the most part, adopted these exceptions to the jail removal mandate, and are implementing new practices and procedures along these lines. The problem develops when state and local officials expend considerable effort to review and revise their detention practices and procedures, and then find that the Federal courts do not consider this to meet constitutional minimums. The complete and total prohibition on the use of county jails or municipal lockups in Oregon, established in the Federal court decision D.B. v. Tewksbury, has not been substantially altered by the Federal courts in the last five years. It is a dilemma which has been responded to in many states by simply planning for a complete prohibition on use of these facilities and creating a new network of residential and nonresidential services. In those states which have proceeded along these lines, the level of satisfaction and pride in the new detention practices is quite high. It is important, however, that Congress consider the potential dilemma which is faced by those states who do not aspire to a complete prohibition and opt for compliance with the Congressional mandate, instead.

A related issue for consideration by Congress is the need to assure that high quality processes and services are established at the local level as the use of adult jails and lockups are discontinued for the secure detention of juveniles. This has important implications for public protection, the integrity of the court process, and the best interest of the youth.

We learned during the early days of the JJDP Act that deinstitutionalization of status offenders was not simply a matter of prohibiting the practices by legislative statute, court rule, or administrative order. This action alone leaves an enormous void in the administration of juvenile justice, and must be accompanied by the development of a network of services which are both viable and credible alternatives in the eyes of law enforcement officials. The same holds true for jail removal and is particularly important with respect to the conditions of confinement for the limited number of juveniles who will require secure detention.



Subissues in this area include classification, health, access, education, recreation, staff training, physical plant and environment, discipline and grievance procedures, and personal safety. It is entirely possible that substandard conditions in the programs which replace juvenile jailing will emerge given the general lack of resources and technical expertise in rural areas of the country. These dangers exist with respect to nonsecure residential and nonresidential programs which are hastily developed and underfunded. It is essential that alternatives to juvenile jailing be planned and implemented within the context of the statewide tax dollar and resource pool to avoid these and other adverse ramifications of jail removal.

### Summary

In summary I want to reiterate the major impact that the JJDP Act has had on the secure confinement of juveniles in the United States. While the Act has focused on the specific issues of deinstitutionalization of status offenders and the removal of juveniles from adult jails and lockups, the effect has been broad and far reaching. There is now a forum, a planning apacity, and an awareness of both the problems and solutions of secure juvenile confinement in virtually every nook and cranny of the Nation. Model programs and progressive, well thought-out legislation exist for replication. The Act has ignited a groundswell of interest in the problems of secure juvenile confinement which, if continued, will reap increasing benefits during the period of reauthorization. This period will see a transition from state and local efforts to change attitudes, legislation and public policy to emphasis on the programs and services which are effective and efficient in providing public protection & assuring the integrity of the court process while moving troubled ar... troublesome young people from a path of destructive and delinquent behavior to one of productive and law abiding activity.

juvenile justice and delinquency prevention

# Profile

The Jail Removal Initiative:  
A Summary Report

## The Jail Removal Initiative

### A Summary Report

In 1980 the Federal Office of Juvenile Justice and Delinquency Prevention sponsored a \$5.3 million project called the "National Jail Removal Initiative" (JRI). The Initiative was designed to foster compliance with the Juvenile Justice and Delinquency Prevention Act of 1974. As amended in 1980, the JJDP Act made funding available for projects such as the JRI to assist states in their efforts to make improvements in local and regional juvenile justice programs. In particular, it was hoped that the Initiative would ignite "jail removal" efforts in areas of the country where for various reasons jail removal was difficult to accomplish. Although not all of the sites participating in the JRI were rural, for the most part the Initiative was designed to help rural jurisdictions overcome the unique set of obstacles they face in achieving jail removal.

The JJDP Act requires participating states to remove all juveniles from adult jails and lockups by December 8, 1988. Originally the Act only required "sight and sound separation" of juvenile and adult prisoners, but as time went on it became clear that the Act's separation requirements were inadequate. The intent of the JJDP Act was to protect juveniles from abuse at the hands of adult prisoners, and to insure that youths would receive solicitous care consistent with the principles of the juvenile justice system. But unfortunately, because of the overcrowded conditions in many jails, after the 1974 Act went into effect youths were often held in conditions which amounted to solitary confinement to insure compliance with the Act's separation requirements. In essence, these youths were being held under conditions usually reserved for extremely disruptive or violent adults. Thus the legislative reforms which were motivated by a genuine concern for the welfare of youths in the justice system had a bitterly ironic outcome: many juveniles, who by virtue of their lack of maturity were far less capable of handling such an experience, were being treated worse than adults who had committed similar offenses.

Consequently, to further insure that juveniles taken in custody would not suffer undue physical and psychological harm while in confinement, Congress amended the JJDP Act in 1983 to end all juvenile jailings. Following the 1980 amendments, however, it became clear that

compliance with the Act's new jail removal provisions would be uneven. Urban communities, since they already had access to a vast array of programs and services that could serve as alternatives to adult jail, would be able to achieve jail removal with a minimum amount of difficulty. But for rural jurisdictions, jail removal was often very difficult to accomplish. Not only are rural communities hindered by a lack of existing secure and nonsecure alternatives to jail, but many have no available funds or resources to remedy the situation.

The JRI thus represented an attempt to find creative solutions to the special problems of rural communities who wanted to eliminate juvenile jailings. The program, which ran for three years beginning in 1981, offered approximately \$200,000 to each of the twenty-three participating jurisdictions. During "Phase I" of the Initiative they conducted extensive pre-planning activities in order to qualify for the grant money. To assist them in this task, they were also offered substantial technical assistance and formal training in designing a community-wide network of alternative services. The sites receiving the grants ranged in size from single communities to entire states, and included local juvenile courts, regional and state youth service planning agencies, shelter programs and Native American tribal councils (See Table One). Although the sponsoring agencies were diverse, they all had one common goal: the complete removal of juveniles from adult jails and lockups.

### Phase I: Planning For Jail Removal

Jail removal planning throughout the project was based on a consistent methodology. First, all predispositional placement decisions—especially those involving out-of-home placements—were to be made according to objective placement criteria. Objective intake criteria would constitute a first step towards establishing formal and consistent admissions procedures for all custody referrals, an essential ingredient in any jail removal program. Second, the goal of court intake decision-making was to place each youth in the least restrictive setting possible, which meant that in addition to removing youths from adult facilities, each site had to develop or find access to alternatives such as runaway shelters and foster care. Transportation networks to and from secure juvenile detention centers or shelter homes in neighboring counties, for example, would enable rural jurisdictions to place any youth taken in custody in an appropriate setting. A site could arrange a "purchase-of-care" agreement with a neighboring facility for the needed bed spaces, thereby avoiding the considerable

expense of running such a facility itself. Since the population needing out-of-home placement in rural communities is often extremely low, it is usually more cost-effective for detention centers and shelter homes in rural areas to operate on a regional rather than a local basis. Also, most of the sites without access to secure or

from a youth advocacy perspective, the sites were careful to solicit the advice and opinions of child welfare organizations, private citizens, advocacy groups, and youths caught up in the system themselves. In fact, at the very beginning of the Initiative the sites decided to commit themselves to the principle of local planning, and each jurisdiction applying for JRI funds proceeded to develop a strategy for including key social services and juvenile justice officials in planning activities. Since local officials generally will understand the intricacies of their programs better than any outside state or regional advisors, it was felt that locally developed services would stand a better chance of meeting the community's specific needs. Also, part of the rationale was to avoid the noncooperation of those who resented the project because they felt that it had been imposed on them. It was fairly obvious to everyone concerned that a jail removal program would be successful only if local officials felt some "ownership" in the project and were comfortable with the course of action.

Because of the commitment to individual site planning, the sites used a highly flexible planning process model that allowed them to progress naturally from problem identification to plan implementation in six steps. Steps one through four simplified problem-solving tasks by arranging them in a systematic order, and step five organized plan implementation. Throughout the process sites were encouraged to weigh the impact of proposed changes on the entire local juvenile justice system, and the last stage, the plan monitoring phase, was designed to help the sites monitor their programs to insure that project goals were being met.

The needs assessments conducted by the sites clearly indicated that improvements were in order. Of all youths arrested by police or referred to the local juvenile court, nearly one-third were being placed in adult jails. The jailing rates among the sites ranged from eleven to one hundred percent. Use of secure and nonsecure alternatives was sporadic and less than three percent of all juveniles were placed in nonsecure settings such as emergency foster care, shelter care, and in-home detention.

The high jailing rates were directly related to the lack of available alternatives. Only seven of the twenty-three jurisdictions had access to separate secure juvenile detention facilities, and emergency shelter care and other crisis residential services were found in only five sites. Even for those few sites who were fortunate enough to have access to alternative services, their availability was often limited because of poorly devised intake procedures. Transportation networks to nearby secure facilities were loosely arranged and generally quite inconvenient, and only one site had adopted objective intake criteria. It was clear from this information that

Table One

Sites Participating in the JRI	
Location	Sponsoring Agency
Auburn, Alabama	Lee County Juvenile Court
Durban, Alabama	Southeast Alabama Youth Services
The State of Arizona, in conjunction with:	Arizona Department of Corrections
Fl. Mojave Reservation	Tribal Council
Havasupai Reservation	Tribal Council
Hopi Reservation	Tribal Council
Hualapai Reservation	Tribal Council
Salt River/Fl. Me.	Tribal Councils
Dowell Reservations	Tribal Council
San Carlos Reservation	Tribal Council
White Mountain Reservation	Tribal Council
Cecil, Arkansas	Western Arkansas County Judges
Yellville, Arkansas	Ozark Mountain Arkansas Rural Region
The State of Colorado	Colorado Division of Youth Services
Lihue, Hawaii	The Judiciary
Bolingbrook, Illinois	The Village of Bolingbrook
Carbondale, Illinois	Greater Egypt Regional Planning and Development Commission
Owingsville, Kentucky	Gateway Area Development Project
Franklin, Louisiana	Samattan House
Rochester, Minnesota	Isabel - Fillmore - Olmsted County Correctional System
Browning, Montana	Blaine Law and Order Commission
Portland, Oregon	The Boys and Girls Aid Society
Portland, Oregon	Metro Criminal Justice Planning
The State of South Carolina	The South of Public Safety Programs
Neah Bay, Washington	Makah Tribal Council

nonsecure detention would be able to arrange such agreements within a matter of weeks, whereas building a new facility would have taken months.

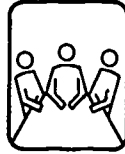
Third, during Phase I site officials tried to imagine how actual participants would view proposed changes in local justice programs. Since the JJDP Act mandated that services funded with OJJDP grant money be designed

## The Jail Removal Initiative

# Total Systems Planning

### Step One: Get Organized.

Identify problems and goals, establish advisory boards, set detention criteria, choose data collection methods, and devise timetable.



Communities wanting to improve their juvenile justice programs often don't know where to begin. Here is a six step process that will ease one through the task of implementing new programs and services.

local officials usually had only two choices, either jail or outright release.

The needs assessments also showed that in general, secure placement decisions were made on a haphazard basis. Youths who appeared to threaten the community were usually placed in jail in order to prevent them from committing further delinquencies before their court hearings. In many of these cases, an appropriate form of secure placement appeared to be justified. But a large number of jailed youths were *not* charged with serious personal crimes. In fact, serious offenders (as defined by the 1980 amendments to the JJDP Act) comprised only three percent of the entire jailed population.

Furthermore, status offenders—youths accused of committing offenses that would not be crimes if committed by adults (such as truancy and running away)—were being jailed on a fairly consistent basis. Nearly half of the juveniles jailed in JRI jurisdictions were charged with status offenses. The JJDP Act requires that status offenders be placed in nonsecure settings rather than adult jails or secure juvenile detention, the rationale being that their offenses pose no material threat to the community and that a status offender's behavior, while certainly a problem for both the family and the community, is technically noncriminal. In order to conform to the requirements of the Act, it was clear that the sites needed to devise several nonsecure placement options so that status offenders, the largest portion of

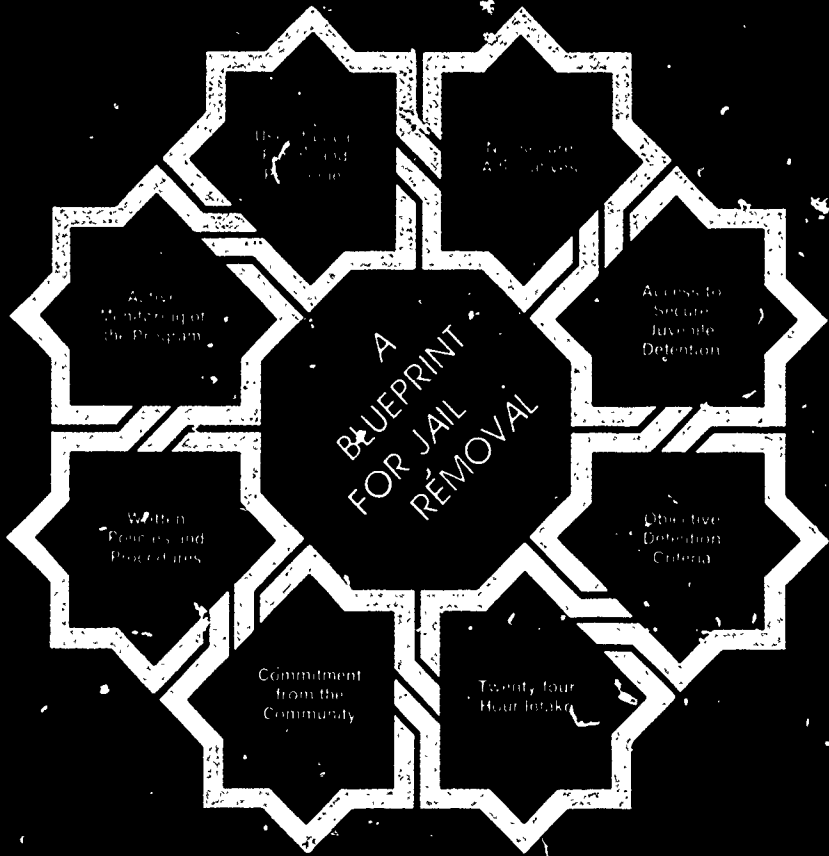
their court referrals, could be placed in some form of appropriate custody when they could not be returned home.

## Phase II: Implementing the Plans

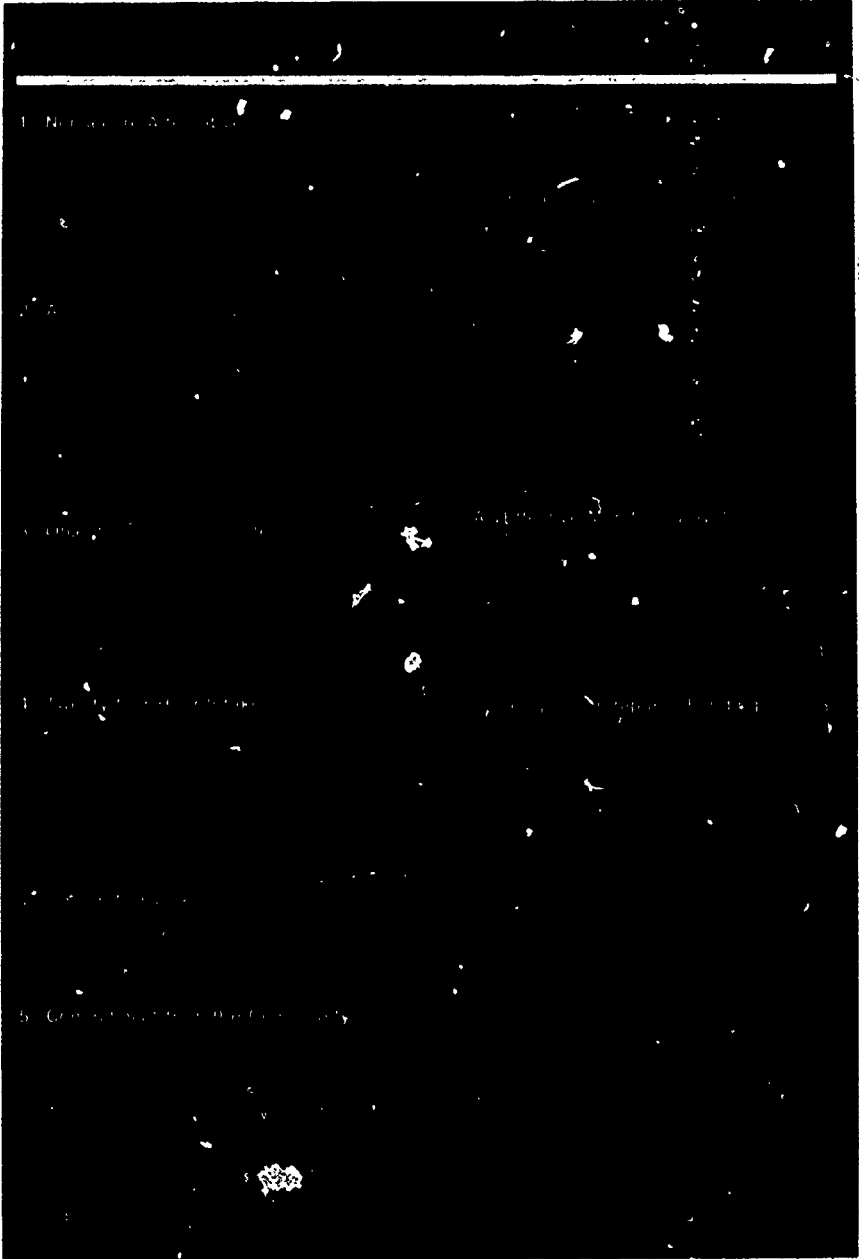
Overall, the information collected during Phase I indicated that the sites had some serious problems to solve. Many youths were being jailed for minor or status offenses, and most of the participating jurisdictions lacked the network of alternatives necessary to divert these youths from jail. But most of the sites remained committed to their goals, and during the second phase of the JRI they were able to implement a variety of innovative programs which substantially reduced inappropriate pretrial placements. In fact, eight of the twenty-three jurisdictions reduced the number of juvenile jailings to zero by the end of the project, and of the remaining jurisdictions, all but one reduced their jailings between 23 to 98 percent.

Some of the participants feared, however, that local officials would simply use secure juvenile detention facilities to "replace" adult jails, and as a result inappropriate placements of less serious offenders would

# What Makes It Work?



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### Step Two: Assess Needs

How many organizations serve troubled youths in your community? Analyze the entire local juvenile justice system to assess its needs and pinpoint its weaknesses and strengths. Use the proposed detention criteria to identify actual bedspace needs in juvenile residential facilities. Develop a profile of juveniles referred to court.



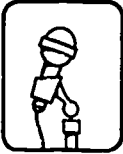
### Step Four:

**Establish Policy and Develop Plan.**  
Prepare a plan for action that is based on the needs analysis and input from all sectors of the juvenile justice/youth services community.



### Step Five: Implement Plan.

Develop residential and non-residential programs. Revise operating procedures and policies. Train staff and reallocate personnel.



### Step Three: Take Your Plans to the Public.

Inform local community leaders of changes being considered and solicit widespread community support.

### Step Six:

**Monitor System.**  
Design a monitoring system to insure that your original goals are being met and to identify potential problems. Fine-tune operations over time to adjust to new situations.



continue and jail removal would only have limited benefit. But Phase II data indicate that this did not happen. The use of secure detention did increase, but this was only to be expected, since part of the plan of attack was to make secure detention facilities easily accessible through transportation networks and purchase-of-care agreements with neighboring counties. As mentioned earlier, prior to the Initiative only seven sites had access to secure juvenile detention, by the end of the Initiative, this number had risen to seventeen. Yet despite the greater accessibility of secure detention, the increase in secure detention placements amounted to less than half of the decrease in jailings. In other words, the sites were using other alternatives besides secure detention to hold youths in custody. Total secure placements during Phase II, which included both jail and secure detention, decreased by about one-third.

Before Phase I planning began, nonsecure alternatives were available in only five sites. A great deal of effort was focused on remedying this situation, and as a result combinations of shelter care, emergency foster care, and home detention programs—the core of a nonsecure alternative network—were developed or expanded in twenty jurisdictions. The results were dramatic: the percentage of youths placed in nonsecure settings increased threefold.

The nonsecure alternatives developed during Phase I also enabled site officials to handle their nonoffender

population (abused/neglected youths, minors in need of supervision, etc.); more appropriately, the Phase I needs assessments showed that a number of jailed youths did not need to be placed outside their homes. Quite often these youths were nonoffenders who could not be returned home immediately because their parents were unavailable. Since the sites had no alternatives, many of these youths were held in jail for several hours. With the implementation of nonsecure alternatives, however, these youths could be held temporarily in an emergency shelter or foster home instead. By expanding their services and committing themselves to the goals of jail removal, the sites were able to increase their release rate by eight percent.

Although the sites had been able to tailor their programs to their own specific needs, some were more successful than others at implementing their plans and reaching their goals. As Phase II data came in quarter by quarter, project coordinators began to look for patterns that would explain why certain jail removal programs were more successful than others. It soon became clear that the sites who were able to accomplish jail removal had several characteristics in common, one or more of which were lacking to some degree in less successful jurisdictions. These characteristics are highlighted on the enclosed insert.



## The Jail Removal Initiative

### Impact on the Community

The sites' jailing reductions alone are sufficient reason to consider the Jail Removal Initiative a success. But jailing statistics cannot tell the entire story, since jail removal was not the only Initiative goal. All jurisdictions, for example, hoped that they would be able to reduce jailings without endangering the community or disrupting court processes. Initially some JRI participants feared that in their zeal to eliminate juvenile jailings, local officials would begin releasing arrested youths indiscriminately prior to their hearings, and that

*Apparently the use of detention criteria, 24-hour intake, and a core of secure and nonsecure alternatives enabled court officials to make better placement decisions without jeopardizing the safety of the community or the court process.*

this would threaten the safety of the community. Keeping juveniles in jail would at least prevent them from committing further delinquencies before their dis-

positions. These fears proved unfounded, however. In fact, there appeared to be a slight improvement in the Initiative's "rearrest rate." Before the Initiative began, rearrests averaged around four percent for all out-of-home placements. But during the Initiative the rearrest rate fell to about two percent.

Some officials were also concerned that releasing less serious offenders from secure custody would "disrupt court proceedings"—meaning that a larger number of youths would fail to show up for their court hearings. This also did not occur. The failure-to-appear rate held to around three percent during the Initiative, the same rate as prior to the Initiative. Apparently the use of detention criteria, 24-hour intake, and a core of secure and nonsecure alternatives enabled court officials to make better placement decisions without jeopardizing the safety of the community or the court process.

The sites learned many useful lessons from their experiences during the JRI, but probably the biggest lesson of all was discovering that jail removal involves much more than simply reducing the number of children placed in adult jails and lockups. It also involves improving the entire network of pretrial placement services and getting the most that one can out of available resources. To remove juveniles from jail without developing adequate and appropriate services for them is an injustice to the court system, the community, and the juveniles themselves. System planners must be willing to examine closely each aspect of their juvenile justice system, from referral practices to placement options, if effective and lasting improvements are to occur.

*Profile is published by the Community Research Associates under contract number OJP-83 C-007 awarded by the Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice. Points of view or opinions stated in this document do not necessarily represent the official positions of the U.S. Department of Justice. For further information about the Jail Removal Initiative, contact Joe Thome, Community Research Associates, 115 N. Neil, Suite 302, Champaign, IL 61820 217-398-3121*

## JRI FACT SHEET

## Where Were Juveniles Held in Custody During the JRI?

Custody Setting	Pre-JRI	During JRI	Percent change*
Adult Jails	8,955 (32%)	4,029 (18%)	-44%
Secure Juvenile Detention	1,815 (7%)	1,825 (8%)	+19%
Nonsecure Detention	707 (3%)	2,407 (11%)	+319%
Release	16,040 (58%)	14,118 (63%)	+8%
<b>TOTAL</b>	<b>27,517</b>	<b>22,379</b>	<b>-19%</b>

\*Adjusted for decrease in intakes.

## How Well Were Intake Guidelines Observed in Secure Facilities?

Percent of Jail Removal Achievement	Number of Admissions to Secure Detention Facilities	Number of Admissions with complete Intake Data	Number of Inappropriate Admissions
100% (8 sites)	1,524	1,449	277 (19%)
99-75% (5 sites)	170	26	19 (73%)
74-50% (4 sites)	1,029	854	155 (18%)
49-25% (5 sites)	3,054	1,917	756 (39%)
Under 25% (1 site)	78	78	41 (53%)

## Adult Court Waivers, Failure-to-Appear, and Rearrest Rates for the Last Four Quarters of the JRI

	Intakes*	Q <sub>3</sub>	Q <sub>4</sub>	Q <sub>1</sub>	Q <sub>2</sub>	Total
Number of Youths Waived to Adult Court	7,031	38	31	48	54	171
Number of Youths Failing to Appear for Court Hearings	7,082	33	24	26	3	86
Number of Rearrests (between preliminary hearing and disposition)	2,854	13	19	18	15	65

\*Total intakes vary in each category because of missing data.

## Program Costs

Percent of Jail Removal Achievement	Dollar Allocation	Number of Youths Receiving Services	Investment Per Youth
100% (8 sites)	\$1,169,880	7,850	\$149.03
99-75% (5 sites)	950,357	1,114	853.10
74-50% (4 sites)	682,530	1,321	448.75
49-25% (5 sites)	1,037,051	5,332	194.05
24-0% (1 site)	50,158	95	527.98
<b>TOTAL</b>	<b>\$3,889,996</b>	<b>15,912</b>	<b>\$211.47</b>

juvenile justice and delinquency prevention

# Profile

## The Sheriff's Dilemma: Juveniles in Jail

The Jail Removal Initiative in Colorado

## The Colorado Jail Removal Initiative

### The Sheriff's Dilemma . . . Juveniles in Jail

The issue of detaining juveniles in adult jails is one that has been debated morally, economically, and legislatively for years. Yet, until recently, little factual information was available to fuel the side of the discussion that favored alternative placement and treatment for youths.

In 1980, the Community Research Center of the University of Illinois estimated that there were approximately 500,000 juveniles held in adult jails and lock-ups each year. This figure, though appearing high, was actually underestimated due to lack of information regarding children in jails.

Of these estimated half million youths in jails, approximately four percent had not been accused of any crime and 20 percent were accused of status offenses such as truancy and running away from home. Nearly two-thirds were released prior to or at the time of their court hearing. These facts indicate that, for this group of children, any secure detainer, especially in adult jails, is inappropriate and unnecessary.

The potential physical and emotional damage brought about by incarcerating juveniles in adult jails is considerable. Most jails are simply not equipped to handle special custody problems presented by juvenile offenders. Data indicates that for every 100,000 young people held in adult jails, 12 will commit suicide, others run the great risk of returning to the community hardened, bitter, and much worse for the experience.

*Christine Carry*, the author of this article, has been the coordinator of the County Sheriffs of Colorado's Juvenile Jail Removal Initiative for the past two years. During this time, the Initiative and its intent has been adopted and successfully implemented in many rural counties in Colorado. Ms. Carry is a native of Boston, Massachusetts and has been involved in children's issues for several years, both in direct services and as a political activist. "The Sheriff's Dilemma: Juveniles in Jail" first appeared in the August/September 1984 issue of *The National Sheriff* and is reprinted with the kind permission of the author and the National Sheriffs Association.

Jail incarceration automatically labels youths as criminals, jailing juveniles directly conflicts with the purpose of the juvenile justice system, which is geared toward helping those children who can be treated, and incarcerating only those few who, by reason of repeated offenses or seriousness of crimes, are in need of secure confinement. Even then, detention in the local jail is a poor substitute for placement in an appropriate, secured juvenile facility.

### Juvenile Jail Removal Initiative

#### The Dilemma

In Colorado, the inappropriate detention of juveniles is recognized as a major problem, and is being addressed by the County Sheriffs of Colorado through their Juvenile Jail Removal Initiative that complies with the 1980 Jail Removal Act of the Juvenile Justice and Delinquency Prevention Act.

Although Colorado is unique in its geography with the Rocky Mountains dividing the state, its sheriffs encounter the same problems when removing juveniles from county jails as their counterparts in the eastern slope or plains or those west of the Continental Divide. Through combined efforts of the Sheriffs Association in mid and eastern rural Colorado (32 counties) and the Colorado Division of Youth Services on the western slope (15 counties), the number of youths inappropriately held in adult county jails is steadily decreasing.

In 1981, approximately 6,000 youths were reportedly detained in county jails in Colorado. With the initiation of the Jail Removal Program, 1982 realized a decrease of nearly 50 percent or 3,200 youths held in adult jails. Figures for 1983 show an even greater decrease.

A more dramatic statistical reduction is evidenced by comparing 1982 and 1983 totals of juveniles held in adult jails in the 32 county target area covered by the Sheriffs Association's program.

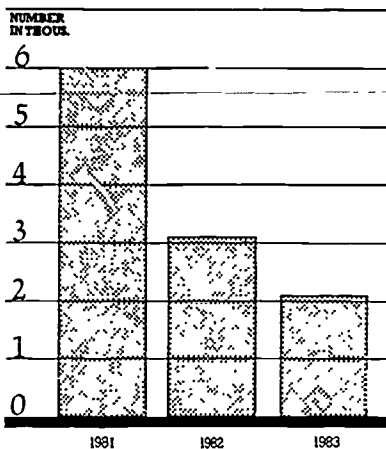
#### Program Design

The goal of the jail removal initiative is the elimination of the use of county jails for any juvenile detention by developing workable alternatives. To accomplish this, strategy was designed that involved the input of local decision makers and service agency representatives in each county. Representatives from the Sheriff's Department, Judiciary, Probation Department, Social Service Agency, District Attorney's Office, and Diversion and Mental Health Department met collectively to develop individual county strategies for the removal of juveniles from their jails. Strategies, each unique to county needs, include procedures and agreements incorporating the philosophy that juveniles should not be held in adult jails, choosing the least restrictive setting if alternative placement

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ment is necessary, and, if secure detention is required, transporting the juvenile to the appropriate detention center. Jim Oleson, Chairman of the Colorado Juvenile Advisory Council, stressed the importance of input from key county decision makers to make the juvenile jail removal program a success.

#### YOUTHS DETAINED IN ADULT JAILS IN COLORADO



After acceptance of the overall philosophy of jail removal, vital program components were formalized in each county. Plans for locally-based detention criteria, intake screening procedures, transportation to secure detention agreements, and non-secure alternative services were examined, approved, and implemented in participating counties.

### Alternatives to Jail Incarceration

#### Detention Criteria/Intake Screening Process

In cooperation with the Colorado Division of Youth Services, which manages and supervises the state's five juvenile detention centers, intake screening criteria were developed to act as guidelines to determine those limited number of youths eligible for secure confinement. Youths can be detained in a secure youth center if they are considered a threat to themselves or the community, or to ensure court appearance. These are the only two steadfast criteria. The model criteria are subject to change based on specific needs of an individual county.

With court approval, intake screeners are appointed to renew individual cases, determining the appropriate placement of a juvenile, while the youth is still in the custody of the initial arresting law enforcement officer. Once contacted, the final decision regarding release, non-secure community placement/treatment or transport to a secure youth center is made by this screener. His or her decision is based on detention criteria developed and used by their individual county. The screener(s) is, generally, from a service agency—social services, probation, or mental health—and is available on a 24-hour basis.

In most cases, screeners make appropriate detention decisions within a six hour "grace" period. The majority of remaining youths are released to a responsible adult, or are committed to a non-secure or secure placement in less

#### Secure Detention

Once a decision to securely hold a juvenile is made, the problem of transporting that pre-trial youth to a youth center must be addressed. Colorado's five Division of Youth Services secure youth centers are located midstate, on the front range of the Rocky Mountains. The distance to a regional youth detention center from some rural counties is, indeed, great. In some instances, the distance is as much as 300 miles, posing a real personnel and financial burden to some of the smaller counties. This distance problem is sometimes further aggravated by weather conditions, which make mountain passes treacherous to navigate.

To assist participating rural counties reduce the initial monetary burden incurred during this transportation procedure, the Sheriff's Juvenile Jail Removal Program provides reimbursement funds. The plan provides for an off-duty officer to transport, thereby eliminating the possibility of short staffing a given shift. Under an established formula, counties submit for transportation reimbursement funds on a quarterly basis, and receive payment for cost of man hours involved in transporting pre-trial youth to a secure facility, plus 20¢ per mile for the initial round trip.

This component of the jail removal program was designed to facilitate the removal of pre-trial youths needing secure confinement from the county jail. These funds are available on a temporary basis, while participating counties incorporate these costs into individual county budgets to ensure an on-going process. Because of the success of the screening process and an increased awareness of law enforcement agents regarding the proper handling of juveniles, the number of pre-trial youths needing transportation to a secure youth center has decreased. The cost for this type of transportation is relatively low, and objections by county commissioners to incorporating this cost into existing or future budgets has been minimal.

## The Colorado Jail Removal Initiative

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With the screening process in place, determining appropriate disposition of youths, and addressing the transportation aspect, a reduction in the number of youths seeing the inside of an adult jail was expected, and indeed, was realized. However, children were still being held in rural Colorado jails. Who were these children? Why were they being held?

Analysis revealed that as a result of screening, some children were being immediately released to a responsible adult as a result of the transportation agreements, those needing secure holding were being taken to appropriate youth centers. Children who did not fit either category—runaways and truant—were still being inappropriately held. Children who could benefit from non-secure community placement and treatment were falling through the cracks. Unfortunately, many counties in rural Colorado did not until recently have alternative placement homes or treatment programs, and the only place to hold these children was the jail.

COMPARISON of 1982 & 1983				APPROX. REDUCTION (Percent)
JUVENILES	1982	1983	DIFFERENCE	
NUMBER HELD	719	412	306	43%
NUMBER HELD OVER 180 DAYS	399	212	187	46%

\*Note: This is how long time period was deemed sufficient time by the Office of Juvenile Justice and Delinquency Prevention, in which proper disposition of a juvenile could be accomplished.

### Non-secure Placement/Treatment

To further efforts in achieving the overall goal of this initiative, alternative placement/treatment programs were designed and implemented. With the assistance of local county Departments of Social Services and Mental Health Agencies, youth homes for short-term, non-secure placement and plans for longer-term counseling were developed. These alternatives to incarceration have proven effective in providing a less threatening, more positive environment for teenage runaways and, in other cases, in offering a broader based counseling service that involves an entire family.

Otero County, Colorado, is one county where this type of short-term, non-secure placement has been established. Sheriff John Eberly of Otero County recently commented, "This specialized foster home has been an incredible help in assisting us with the jail removal program. Until it was established, sometimes the only place available to hold a young runaway was our county jail. Now, that child is placed in the home and get proper counseling instead of sitting in the jail where nothing positive results." These alternative programs are also funded on a temporary basis by the juvenile jail removal initiative. This allows participating

agencies time to develop plans for integrating these services into existing systems. This ensures that individual counties assume full local ownership and accept responsibility for all aspects of the juvenile jail removal program.

### Colorado Sheriffs' Activities

Serving as a major factor in changing attitudes and procedures on the county level toward juveniles, the success of the County Sheriffs of Colorado's juvenile jail removal initiative further acts as a catalyst in uniform statewide reform.

A 25-member commission to review the Colorado Children's Code was appointed by Colorado Governor Richard D. Lamm in July 1983. Representatives of the County Sheriffs of Colorado took an active role in contributing ideas for reformation during this review process. Are as of primary concern to the sheriffs were those dealing with status offenders and delinquents.

Many hours of debate and work on the part of the Children's Code Commission, and input from Colorado sheriffs resulted in substantial proposed revisions of this Code. Latest support for change developed within the Colorado Legislature and revisions were introduced to that body in the form of eight separate bills. Bills of particular interest and concern to the sheriffs dealt with removal of juveniles from adult jails and clarification of state and local responsibility for secure placement and non-secure placement or treatment programs. Unfortunately, this legislative session did not result in passage of these proposed bills. However, with information included to address sheriffs' concerns, amended bills will be reintroduced during the next legislative session.

Sheriffs across Colorado, individually and collectively, support the removal of juveniles from their jails in favor of secure placement in an appropriate juvenile detention facility. In addition, sheriffs support non-secure placement or treatment of appropriately screened delinquent children and status offenders.

### Legal Management Problems for Law Enforcement

Continuing to jail children presents a myriad of problems including waste of valuable human and economic resources. There is little question that jails currently have an already difficult mission carrying out their intended role of holding pre-trial and sentenced adults. In most county jails in Colorado, introduction of a single juvenile into the population places unrealistic and unmanageable demands on physical plants that are not designed for total sight and sound separation. Thus, available space to hold adults is taxed by the inappropriate placement of juveniles in these jails.



Several counties in Colorado have paid considerable legal fees in juvenile-related litigation. Further expensive lawsuits loom on the horizon unless long-term resources can be developed for both secure incarceration and non-secure alternative placement or treatment.

Jim Joy, Executive Director of the Colorado American Civil Liberties Union, has said, "We realize that sheriffs do not want to hold children in their jails. We have, and will continue to, assist counties in their efforts to curb this practice. However, we will continue, if necessary, to file suit until the full intent of the Juvenile Jail Removal Initiative is

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**Sheriff John Eberly of Otero County recently commented, "This specialized foster home has been an incredible help in assisting us with the jail removal program. Until it was established, sometimes the only place available to hold a runaway was our county jail. Now, that child is placed in the home and gets proper counseling instead of sitting in jail where nothing positive results."**

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realized, and no children are detained in jails in Colorado." To assist in developing long-term resources, a statewide needs assessment plan is currently being developed. The resulting information will include cost factors for constructing regional secure youth facilities and modifying existing possibilities for short-term holding. One alternative is a supervised locked room in a hospital or mental health center. Along the same lines, costs associated in providing non-secure placement or treatment in local communities will be addressed.

The study once completed, is expected to provide legislators and other decision makers with a viable plan of action—both financial and technical—for the secure and non-secure placement or treatment of Colorado's youth. The County Sheriffs of Colorado will continue their commitment to the search for solutions to difficult problems relative to our juvenile justice system. Much has been accomplished, but attention and involvement of the public is still needed which can contribute to the reform process by taking a look at juvenile detention and placement practices in their communities. There must be support for public policy decisions that will improve the juvenile justice system and allow law enforcement personnel to concentrate efforts where they are the most effective.

Positive changes are occurring, and with the collective commitment of concerned citizens, professionals, and advocates, additional constructive reform can, and will, be realized. Our children are depending on it.

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juvenile justice and delinquency prevention

# Profile

## The Michigan Holdover Network

### Short Term Supervision Strategies For Rural Counties



## The Michigan Holdover Network

Houghton, Michigan, is a small resort town located on a finger of land that juts about 25 miles into Lake Superior. It belongs to an area of Michigan known as the "Upper Peninsula"—upper because it is separated by Lake Michigan and the Mackinac Straits from the rest of the State. Southern Michigan residents tend to think of the Upper Peninsula as a vacationer's paradise. Its heavy annual snowfalls make for excellent skiing in the winter, and in the summer its numerous lakes and forest areas give downstate city dwellers a chance to escape the hectic pace of urban life. Residents of larger commercial centers in the Upper Peninsula such as Escanaba and Sault Ste. Marie often have to make it clear to visitors that their third of the state is not one vast forest preserve. But in Houghton, life revolves pretty much around the tourist season. During long stretches of the year there's not much happening here.

Above one of the storefronts that line Houghton's main street is a nonsecure juvenile holdover. As juvenile detention settings in small, rural communities go, this holdover is quite remarkable. First, it is located in a spare room at the community's *Dial Help* office, the local crisis telephone center, and consequently one could walk by it and never know it was there. Second, the room itself does not display any overt intent to intimidate or control behavior. In other words, it doesn't look anything at all like a "cell," it looks like all the other rooms in the office building, except for the fact that it doesn't contain a desk.

The holdover's major purpose is to give court officials someplace besides the local county jail to hold juveniles after they have been apprehended. Michigan's Department of Social Services established a network of nonsecure holdovers in the Upper Peninsula five years ago so that small, rural communities like Houghton could avoid having to reorganize the entire population in a jail to make room for a juvenile. Because of the trauma and abuse youths in jail can suffer at the hands of resident adult inmates, Michigan State law forbids placing a juvenile in a jail cell that is within sight and sound of any resident adults. But many county and city jails are so overcrowded that there often is simply no way a jailer can find room for a juvenile, especially if an entire wing of a jail will have to be emptied to accommodate one youth. Sometimes the jailers at an overcrowded facility have to choose between doubling the number of inmates in each cell or placing a youth in solitary confinement, the cell mean. punish ungovernable adults. Also, aside from these more practical aspects of the problem, many justice officials are opposed to the jailing of juveniles for ethical or philosophical reasons.

Many communities avoid having to place juveniles in adult jails by placing them in secure juvenile detention centers, facilities designed specifically for juveniles. But Houghton County does not have easy access to a secure juvenile detention center. The closest one is about 440 miles away. Consequently, until about four years ago the only place one could hold an arrested juvenile was the county jail. Now that the county has a holdover, however, youths who are charged with non-serious delinquency offenses and "status" offenses—offenses that would not be considered crimes if committed by adults—are brought to a holdover rather than to the county jail. Often problems such as incorrigibility and running away originate in an unstable home situation, which makes the issue of juvenile failings all that much more problematic. "A lot of the youths we see are victims of abuse and neglect," commented Lynn MacGregor, Juvenile Diversion Officer for Schoolcraft County, another county in the Upper Peninsula that operates a holdover. "By taking the youth to a holdover rather than to a jail, we feel that we are gaining some time. The youth has time to make some decisions and think through his or her options, and local officials have some time to decide how to handle the case." For youths like this who are living in a community where everyone knows everyone else, having to cope with the stigma of being sent to jail complicates their problems considerably.

The holdovers are also used to detain some felony offenders who are not considered dangerous to themselves or others. Youths who have committed property felonies or some minor aggressive felonies are held in a holdover pending a preliminary hearing. At the hearing the court decides whether to place these youths in a detention center or to return them to their homes.

The Upper Peninsula's holdover network is part of an innovative "alternative services" program that now serves all of the rural areas of southern and northern lower Michigan as well. Alternative services—a, alternatives to jail and secure juvenile detention such as court-ordered home detention and temporary youth shelters—are a relatively new idea in juvenile justice programming. To a certain degree they represent a response to worsening economic conditions, widespread overcrowding in city and county jails, and the consequent need for more efficient means of detaining status and nonoffenders, persons in need of supervision, and youths accused of delinquent offenses. But a more immediate cause for the development of alternatives to the secure holding of youths in adult facilities was the Juvenile Justice and Delinquency Prevention Act of 1974 and its subsequent amendments, which require participating states to remove all juveniles from adult jails and lockups by December 1988. Communities that are committed to a policy of "jail removal" (as it is called by those in the field), but who have no access to a secure juvenile detention center and cannot raise the funds to build one, have had to find other, less costly ways to supervise youths in trouble with the law.

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*Lynn MacGregor,  
Juvenile Diversion Officer  
for Schoolcraft County*

Unfortunately, establishing a network of alternative placement options has been particularly difficult for rural areas, where resources for new programs are often nonexistent. But Michigan's alternative services program has not only proven to be successful, it is extremely economical as well. The network's key components, a series of nonsecure holdovers and a home detention program, have required almost no capital outlay for building construction or major renovation, and the services are staffed by locally trained, paid "quasi-volunteers." In 1984 the entire Upper Peninsula alternative services program (including administrative expenses) cost the State only \$118,194.

How Does the program work? Suppose that two local police officers arrest a youth on a breaking and entering charge. If the arresting officer cannot locate the youth's parents immediately, or if the youth cannot or should not be sent home, the police can bring him to a nonsecure holdover where a youth attendant will wait with the boy until a face-to-face meeting can be arranged with an officer of the court. Then, if the judge decides at the hearing that the youth does not need to be held in secure detention, but nevertheless needs some sort of court supervision before the case is adjudicated, she can order the boy to participate in a home detention program, and a home detention contract is drawn up and signed by the judge, the youth, his parents, and the home detention worker who is assigned to the case.

Michigan officials developed these alternative services not only in response to federal legislation, but also as part of a philosophical commitment to the idea that putting juveniles in jail to punish them or "teach them a lesson" doesn't help them solve their problems. Instead, it generally postpones the problem-solving until they are returned to their families, where the problem often originates. Sometimes it even makes the problem worse, in that a youth may leave the jail feeling alienated and bitter. Or worse, sometimes when youths are placed in adult jails, where the staff may not be adequately trained to provide the necessary supervision, they may become severely depressed and try to take their lives. If something tragic happens, the court faces the risk of expensive lawsuits, unfavorable publicity, and the loss of public confidence.

But what is most remarkable about Michigan's stance on jail removal and its highly effective network of alternative programs and services designed to prevent juvenile jailings, is the fact that these alternatives have been instituted in the Upper Peninsula despite a number of seemingly insurmountable obstacles. First, there is no secure juvenile detention facility anywhere in Northern Michigan. The nearest county-run detention center is in Bay City. The only State-run detention center is located in Flint, over 500 miles from the peninsula's northwest corner. To drive there, one would first have to travel to the east end of the peninsula, cross the Mackinac Bridge, and then head downstate—about the same distance as driving from Flint to Lexington, Kentucky (See Map). Second, although in 1978 the State Legislature authorized plans for building regional detention centers throughout the State, deteriorating economic conditions in Michigan have prevented the plans from being implemented. Third, because of the long distances involved, it is not practical to transport more than a few youths to available detention centers downstate. Local officials prefer to use these facilities only as back-up centers, particularly for serious or chronic offenders who require longer-term detention and are likely to be placed in a training school or private residential program. Also, the parents of incarcerated youths would find it difficult to make frequent visits and arrange meetings with legal counsel at such a distance. Nor do they want their children, who may not have a history of serious crimes, mixed with street-wise youths from large cities in Southern Michigan.

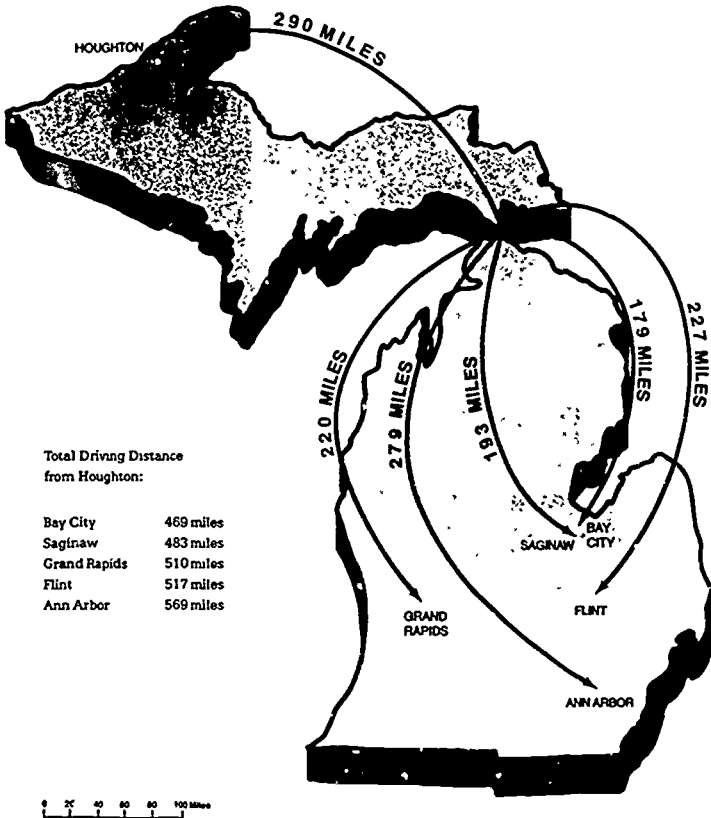
Because of all these factors, officials in Michigan's Department of Social Services developed a plan in 1979 to establish a network of regional detention programs in the northern part of the State. As a first step in implementing the plan, in 1980 the agency applied for a grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) which, if awarded, would enable them to develop plans for a network of regional detention programs. Meanwhile, the School of Criminal Justice at Michigan State University conducted a study on jailing practices in the State. Published in 1980, the study indicated that of all youths booked and placed in a cell in the Upper Peninsula, about 44 percent were held in secure custody for less than 24 hours. Of the youths who remained in jail longer than 24 hours, over half (54 percent) were there for dispositional placement. These figures, coupled with a rise in the per diem rates at the Flint detention center, overcrowded jails throughout the State, and few available tax dollars to build new facilities for either adults or juveniles, led State officials to concentrate on planning for low-cost, short-term alternatives to secure residential detention in the State's northern regions.

By March of 1981 the State had received a second OJJDP grant to implement the program, and the Flint Regional Detention Center director began meeting with representatives from Northern Lower Michigan and the

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DRIVING DISTANCES BETWEEN HOUGHTON  
AND FIVE DOWNSTATE DETENTION CENTERS



Upper Peninsula to discuss ways to pilot an alternative services network in a few selected counties. These meetings helped the Office of Children and Youth Services prepare a revised version of the 1979 regional detention plan, which it submitted to the State Legislature in October 1981. Under the revised plan participating Upper Peninsula counties would receive funds to set up nonsecure holdovers, shelter care programs, home detention programs, and a transportation service to the Regional Detention Center in Flint, or to other county-run detention centers. The plan also called for the appointment of a Regional Detention Services director for the Upper Peninsula. The director's first responsibility was to contact local judges and other state and county officials to secure widespread cooperation and participation in the program. In general, local response to the proposal was favorable, and by December 1982 there were ten nonsecure holdovers in the Upper Peninsula, seven secure holdovers, nine in-home detention programs, and *jellings in the participating counties had dropped by 74 percent.*

This immediate and drastic reduction in jellings brought national attention to the Upper Peninsula's program, and Regional Detention Center officials at Flint soon found themselves receiving calls from juvenile justice specialists around the country who wanted to implement similar alternative programs and services in their own jurisdictions. As time went on the program was modified to better suit the needs of Upper Peninsula counties, and gradually the program has been expanded throughout the State. To date, in addition to the Upper Peninsula's alternative services, there are eighteen nonsecure holdovers, nine secure holdovers, and sixteen home detention programs in Northern Lower Michigan, and thirteen nonsecure holdovers, seven secure holdovers, and fourteen home detention programs in the 22 eligible counties in lower Michigan. The programs in the Upper Peninsula and Northern Lower Michigan are now 100 percent state-funded, and State officials expect the lower Michigan network to be entirely state-funded by 1988.

## THE NETWORK

The alternative services network as it now exists features six basic programs.

**Nonsecure Holdovers.** Each participating county found space (usually a room) for a holdover in a nonsecure public facility, or in a nonsecure area of a public facility, that was accessible to the public. It could be located in a state police post, sheriff's office, detox center, community mental health center, local hospital, or other appropriate agency (See Table One for a list of holdover sites.) Each holdover has access to bathroom facilities and a phone, room for a cot or couch, and access to meals. Normally a youth can be

held there for only 16 hours at a time, but in exceptional circumstances juveniles can be held up to 24 hours, and as long as local officials keep to the 16-hour time limits and provide full documentation for any cases where a youth is held for more than 16 hours, the county will be fully reimbursed by the State Department of Social Services for its expenses. All holdovers are limited to this maximum holding period of 24 hours, mainly because facilities which hold youths in care for over 24 hours must be licensed. Any time a local court decides to keep a youth in a holdover

Table One

### Holdover Sites in the Upper Peninsula

County	Where Located
Mackinac	Sheriff's Department
Chippewa	County City Building
Luce	Sheriff's Department
Schoolcraft	Sheriff's Department
Dickenson	Service Building behind Courthouse (houses ambulance service, sheriff's department and county commissioners)
Iron	Michigan State Police Post
Gogebic	Sheriff's Department
Ontonagon	Sheriff's Department
Houghton	Crisis Hot Line Center Office
Alger	Sheriff's Department

longer than 24 hours without sufficient reason, it has to assume responsibility for its own expenses.

In general, youths who are charged with an offense so serious that they cannot be returned home, who have violated probation, or who have run away from home may be placed in a nonsecure holdover. A volunteer youth attendant is assigned to each youth in a holdover immediately after the youth arrives. The attendant, who stays in the holdover as long as the youth is there, must be of the same sex as the juvenile; if the youth is unruly, or drunk and disorderly, or if there is reason to believe the youth is a high security risk, the court may use two attendants to provide necessary supervision. In case of emergency, the attendants must be able to call on staff members from a nearby 24-hour agency.

Since the holdover is nonsecure, there are no locked doors and no barred windows in the room where the youth is staying. This means that any juvenile brought to a holdover technically can leave it, though almost all of them don't. "We've never had anybody walk out of a holdover,"

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said Lynn MacGregor, when asked how Schoolcraft County handles its security problems. "There's nothing in our holdover to keep someone from walking out, but our youth know they are not supposed to. They are in the holdover for a reason, and they know they've got to face up to their problems when they get there. They realize that the community is taking what they have done very seriously." What keeps a youth from leaving, according to MacGregor, is knowing the consequences if someone walks out: youths who leave a holdover will have to explain why they did so to the judge. That, and the fact that an adult attendant remains in the room with the youth during his or her entire stay.

The rate of pay for holdover attendants is \$5.00 per hour. There are no educational requirements for the job, but holdover workers are required to attend a four-day training session before they begin their first assignment. The types of people generally attracted to the job are court volunteers, college students, senior citizens, social service workers, police officers, and adults interested in community service projects. Since the holdover program is actually a quasi-volunteer service (the work is too unsteady to be relied upon for income), workers are usually recruited because they are concerned about the welfare of youths caught up in the juvenile justice system, and not because they need the money.

When juveniles apprehended by local police qualify for holdover detention, the arresting officer first asks the local probate court for permission to place the youth in detention. If nonsecure detention is approved, the judge or a designated representative will phone a volunteer attendant and ask him or her to report to the holdover. Meanwhile, the police will keep the youth in custody at the holdover site until the holdover worker arrives and assumes responsibility for the youth. While the holdover worker has the youth in custody, he or she must give the youth constant, direct supervision until the youth is released or another attendant arrives for the next shift. Attendants may talk with the youth, but should not discuss the youth's alleged offenses, because they are expected to review the youth's adjustment in holdover detention with the court at the preliminary hearing. They may even be asked to recommend where the youth should be placed during the period before formal court disposition.

**Home Detention.** This alternative program was designed for youths requiring court supervision during the period between the preliminary hearing and formal adjudication and disposition. There is an initial two-week limit on the home detention contract, but under certain circumstances court staff may request extensions if, for example, more time is needed to assess the youth or family in order to make a disposition, or if the court calendar prohibits a final hearing until a specific date. Under the program, a youth who has been arrested may be returned home, where he or she is supervised by a trained volunteer home detention

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*Court officials in participating Upper Peninsula counties have found that the greater attention given to youths under the Home Detention program provides the court with more information about a juvenile, and consequently gives the judge a more complete and reliable basis upon which to make placement decisions. Also, youths under a home detention contract do not have to be sent out of the county to receive appropriate care, and the entire court process benefits from the closer liaison between the youth, home detention worker, and the court.*

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worker of the same sex as the youth. The worker must make at least one face-to-face contact with the youth each day, and a nightly phone contact, to insure that the conditions of the home detention agreement are being met. Home detention workers may make other contacts with the family, school, employer, etc., depending on the nature of the contract and the specific circumstances of the case. They must also keep a daily log of the time and manner of each contact, whether the youth was keeping to the terms of the contract, how the youth was behaving at the time, and any other appropriate comments. This log must be submitted to the court for review periodically or at the end of the detention agreement, and the worker should review the youth's behavior with the court either just before the final disposition hearing, or during the hearing. Workers may also be asked to recommend where the youth be placed—i.e., at home on probation, in foster care, residential care, a training school, or a special treatment program. Home detention workers must also file a formal Worker Summary, which officially records any appropriate observations and recommendations with the court.

To authorize a Home Detention Contract the court must indicate that out-of-home placement, either in the form of shelter care, secure detention, or jail, would have been used if home detention had not been available, and the contract must be signed by all participating parties, including the youth, the youth's parents or guardians, the probation officer, judge, and home detention worker. Home detention workers are paid \$10.00 per day for their services, an amount which is fully reimbursed by Michigan's Department of Social Services.

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**Transportation Network.** In certain situations, usually because of delays in the court process and/or the nature of the youth's alleged crime, counties in the Upper Peninsula will need access to longer term secure detention. To provide this service a transportation network was established between the Regional Detention Center in Flint and the Upper Peninsula. Youths requiring long-term secure detention are brought to the Mackinac Bridge by the county where they are transferred to a secure vehicle from the Genesee facility which brings them to Flint, a distance of about 180 miles, or to some other county detention facility. The youth is returned to the Upper Peninsula via the same system.

To be eligible for these services, a local court must either have (a) eliminated juvenile jailings, or (b) established a working system of holdover and "same detention programs and/or other "jail removal" alternatives. Each county using the service must recruit its own drivers and/or attendants to transport the youths to the Mackinac Bridge and back. Because they've already been trained and are familiar with the local juvenile court system, volunteers for the home detention and holdover programs are well-suited for the task. The transporters may use their own vehicles, in which case the vehicles must be safe, properly insured, and equipped with appropriate items such as a spare tire, jack and lug wrench, etc. Drivers and attendants are paid \$5.00 per hour, plus expenses, during their working hours (i.e., while the youth is in their custody and they are in transit), unless they are on-duty police officers or social service workers who are already being paid by the county for their time, in which case they are only reimbursed for mileage and meals. Local officials prefer to use police and other county employees in the program only when they are off duty, so as not to disrupt their regular work. And, as in the other attendee programs, either the transporter or the attendant must be of the same sex as the youth.

While the costs of transporting the youth to and from Flint are fully reimbursable, the daily fee for use of the Genesee facility must be split between the county and the State. This charge-back encourages local courts to use alternative services, which cost very little under current arrangements and are fully reimbursable, rather than relying on expensive residential services downstate. "We don't send our youths to Flint very often," said one Upper Peninsula official. "We can't afford it! Besides, we can usually handle their problems here anyway." Still, for those youths who need longer-term secure custody, the Flint detention center is available at a reasonable price, but the Upper Peninsula counties generally regard it as a last resort.

**Secure Holdovers.** Federal OJJDP guidelines allow rural jurisdictions to hold violent offenders in adult jails for up to 48 hours, provided the juveniles are separated by sight and sound from adult offenders. Department of Social Services officials in the Upper Peninsula, following the intent of these guidelines, developed a series of secure

holdovers located in adult jails where violent offenders could be kept in secure custody for up to six hours, pending a face-to-face meeting with a court worker, and/or an informal hearing and/or a preliminary hearing. The youth in question must be charged with either murder, criminal sexual conduct in the first or third degree, armed robbery, kidnapping, or an assault which is a felony. Secure holdovers may also be used for up to six hours if the youth is fifteen years or older, is being charged with an adult-type offense, and/or is otherwise out of control. The holdovers are located at the county jail; they must be separate from the main cell block and must not allow for any verbal, visual or physical contact with adult prisoners. Each one must also be approved for use as a holdover by a Regional Detention Services staff member as well as the sheriff.

Whenever an out-of-control youth is placed in the secure holdover to "cool off," the youth must be moved to a nonsecure holdover after six hours, and the six hours must be counted toward the nonsecure holdover time limit of sixteen hours (i.e., four hours in secure custody, plus twelve hours in nonsecure custody equal the limit of sixteen hours in a holdover).

The operating procedures for a secure holdover are similar to those for a nonsecure holdover. The holdover attendant is to provide constant, direct supervision of the youth as long as the youth is in the holdover. In addition, every 15 minutes either the attendant or the Sheriff's deputy should make entries in a monitoring log describing the youth's behavior and attitude. Then, once every hour he or she should also indicate why the youth is still in secure custody (e.g., "youth still out of control" or "looking for an available bed in a detention center"). This log must be submitted to the Department of Social Services, along with other required documents specifying the youth's alleged offense and other demographic data. In order for the county to be reimbursed for holdover expenses.

Because Regional Detention Services staff and local justice officials in the Upper Peninsula generally are opposed to juvenile jailings, very few youths have been held in the area's network of secure holdovers. In 1984 eight youths were admitted to secure holdovers in the Upper Peninsula, for an average length of stay of 5.5 hours. Sixty-six youths, on the other hand, were admitted to nonsecure holdovers during the same period.

**Holdover and Home Detention Worker Training.** Every three months a four-day training session totaling 23 hours instruction is offered for recruits to the holdover and home detention worker programs. Since this type of contact with youths is generally new to a majority of the workers, it is essential that new volunteers are taught how to respond properly to the variety of situations that may occur while they are on duty. The training sessions thus include listening and communication skills, family assessment, theory of adolescence, substance abuse, teen-ages depression and suicide, self-defense and restraint training, and guidelines on how to transport a youth. New recruits

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attending these sessions are paid \$10 per day for each day of training, plus mileage and meals during travel. Lodging and meals during the sessions are provided without cost to the workers as well.

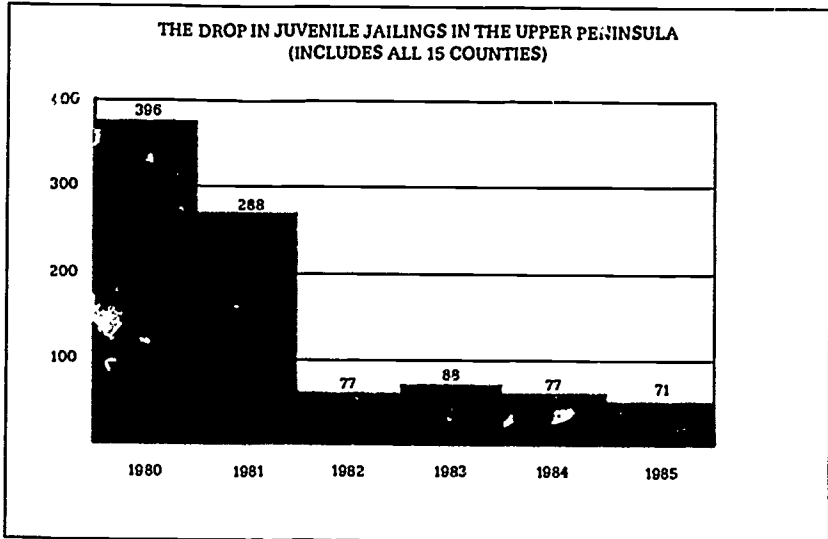
In addition to these initial training sessions, one-day meetings are held with local court officials and Regional Detention Services staff on a quarterly basis to discuss any problems that the workers might be having with the program. Since workers from several counties attend these sessions, the day provides ample opportunity for workers to exchange tips and share experiences. As with the initial four training sessions, meals during the workshops are provided without cost to the workers, and the attendees receive \$10 per day plus mileage for attending the sessions. These arrangements apply to any additional ongoing training workshops local courts may wish to schedule as well.

**Twenty-four Hour Clearinghouse of Available Detention Bedspaces.** In order to help make their member facilities available as alternatives to jail for non-resident offenders, the Michigan Juvenile Detention Association (MJDA) has agreed to support efforts to establish a statewide clearinghouse for information on available detention bedspaces. Each week the intake staff at the Flint Regional Detention Center contacts participating MJDA facilities and asks them for the number of bedspaces they can make available

on a courtesy basis to rural counties without a secure juvenile detention center. If during the week this number changes, the facility staff will notify Flint as to know how many available beds they still have (or how many more they have). Rural counties needing these bedspaces can telephone Flint to find out what is available, but they are responsible for negotiating its use directly with the MJDA facility.

## THE TRACK RECORD

As the chart below illustrates, jailing rates in the Upper Peninsula over the past four years have not risen substantially since the dramatic 74 percent reduction achieved in 1982. Between 1981 and 1982 jailings in Upper Peninsula counties dropped from an average of 20.9 per month to 5.4 per month; since 1982 the rate has remained at about 6.4 jailings per month. Furthermore, of all the jailings reported during the past three years, the majority occurred in counties which are not yet participating in Regional Detention Services alternative programs. In 1984, for example, 59 percent of the jailing total (or 45 jailings) occurred in two nonparticipating Upper Peninsula counties, while the other 13 participating counties recorded only 32 jailings.



## RECRUITING VOLUNTEERS

One of the keys to the Upper Peninsula's success with an alternative service network is its ability to recruit a steady supply of highly-qualified volunteers. Keeping volunteers active in a program is not a simple task; communities who depend upon them to run their services must develop procedures for drawing in new recruits as well as periodic in-service training workshops to improve skills and help build morale. A number of Upper Peninsula communities are fortunate in that they can make use of college students in their programs. Houghton County, for example, has about 12 volunteers in its holdover/home detention program at present, most of whom are college students majoring in criminal justice or other social service programs at a nearby college. "College students tend to be dependable and they don't mind sitting up all night in a holdover," commented James Kurtli, Juvenile Officer for the county. "They're not as tied down as someone with a regular eight-to-five job, and they like the work because it gives them valuable on-the-job experience." Originally Houghton County recruited most of its volunteers from a local Big Brother program. This gave them a core of people to draw upon while they experimented with other sources for community volunteers.

Since Houghton County operates both a home detention and a holdover program, many of the volunteers who are assigned to a holdover will be able to continue working with a particular youth when the judge puts him on home detention. "The volunteers can really get to know a youth this way," said Kurtli, "and make some good recommendations to the judge as to how the court should handle his problems."

Wayne Gamelin, Probation Officer for Chippewa County, also said that his community drew heavily on a local college through its "Volunteers in Prevention" program. Like Houghton County, Chippewa County's home detention program was a "spin off" of local community service projects. Now, however, about 60 percent of the program's volunteers are college students, though the court still recruits actively from community service organizations and by word of mouth as well. Working closely with a local college provides a steady supply of volunteers who have a professional interest in the program. County representatives are invited once a semester to speak to students in criminal justice and social work courses about the county's alternative services network. Students can volunteer to work in the program for college credit; it serves as a practicum in their field, and at the end of the semester they turn in a paper describing their experiences. By working closely with a local college in this manner, Gamelin said that court officials not only are able to keep highly-qualified volunteers on hand, but they also have an excellent opportunity to make other sectors of the community aware of their work. "These college students bring a lot of

idealism to the program," said Gamelin. "If they can 'save' one youth, they feel they've contributed something positive to society—and at the same time they are working on their career goals too."

The Volunteers in Prevention Program is set up like a Big Brother or Big Sister program, in that it attempts to provide underprivileged youths in the community with positive role models. This is especially important for youths who do not come from effectively functioning family units. When the "match" is right between a youth and the VIP home detention worker, there is a chance that the youth will want to continue meeting with the volunteer after the home detention contract is finished, and that their relationship will develop into a meaningful friendship for both of them. This can be especially exciting for the college students, who tend to be closer in age to the youth, and consequently may be easier for the youth to trust than older adults. Of course, this is not always the case, but either way the youth has an opportunity to receive valuable one-on-one counseling and advice from adults who are in a position to be trusted advisors and friends.

Lynn MacGregor, on the other hand, said that her county doesn't have a local college to draw from, and consequently they generally use college students only during the summertime, when they are at home for summer vacation. "Right now we have about 21 volunteers working in the program," she said, "and we use only ten of them on a regular basis. The others have heavy work schedules. They can't stay up all night in a holdover when they have to work the next day." According to MacGregor, a majority of their volunteers are established community members. "We have one person older than 50, a retired police officer," she said. "But most of our volunteers are in their 30's and 40's. Some are foster parents, some are housewives who want to keep up their degrees in social work or criminal justice, and some just want to become active in local community service projects. We always seem to end up with quite a variety of people, though the one thing that most of them have in common is that they are parents."

The volunteers themselves tend to be the program's best recruiters, according to MacGregor. "Whenever we've advertised for volunteers," she said, "we seem to get a lot of people we can't use. But our own volunteers know the kind of person we're looking for, and consequently we rely on them to do most of our recruiting for us."

## THE COST

That this program is a cost-effective solution to the Upper Peninsula's jail problems has been clear right from the start. In 1984, total costs for direct care services in the Upper Peninsula were \$50,412, a figure which included \$5,594 for the holdovers, \$22,124 for home detention, and \$22,739 for home detention and holdover worker training.

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Table Two

### COST OF DIRECT CARE SERVICES IN THE UPPER PENINSULA FY 1983-84 (Does not include cost of Transportation)

Service	Total Year's Cost	Total Admission	Cost per Admission	Daily Cost of Service	Ave. Lge Length of Care	Total Length of Care
Holdovers	5,549	74	\$75.00	\$5.70/hour	13 hours*	972 hours
Home Detention	2,124	7*	\$307.28	\$16.21	10 days	1,365 days
Total Direct Service	\$27,674	146	\$192.18	\$19.68	2.6 days	1,405 days
Training	\$22,739	N/A	N/A	N/A	N/A	N/A
Total Alternative Services	\$50,412	146	\$345.00	\$35.87	9 days	1,405 days
Secure RDC	\$121,090	29	\$4,175.00	\$136.98	30 days	884 days

\*Maximum time allowed in a secure holdover per admission is 30 hours (secure holdovers are limited to violent offenders); Maximum time allowed in a nonsecure holdover is 10 hours.

N/A = not applicable.

In other words, in 1984 the average daily cost of basic alternative services in the Upper Peninsula was \$35.87 per youth, as compared with the \$136.98 daily rate at the State detention center in Flint.

When we calculate these figures on a per child rather than a per diem basis, the Upper Peninsula's cost savings becomes even more startling. As noted in Table Two, the average cost of care per child for direct alternative services in 1984 was \$343 (\$50,412 divided by 146 juveniles). Also, as noted in Table Two, the Upper Peninsula counties paid an average of \$4,175 per child for the 29 youths sent to secure detention in Flint, where the average length of stay was 30 days. This cost was about twelve times higher than the cost of alternative service care.\* Because of the drastic cost savings these alternative programs provide, the Department of Social Services has designed its programs to offer several built-in financial incentives for counties using Regional Detention Services. Consequently, the home detention program and the secure and nonsecure holdover network is virtually cost-free for the county, making it extremely difficult for other areas of the State to argue that economic factors make it impossible to keep juveniles out of jail.

\*Actually the cost of care per child at Flint was much higher, since the per diem figure does not include the cost of transportation services to and from Flint (58 trips for the Upper Peninsula). Because the vehicle traveling between the Mackinac Bridge and Flint would have picked up youths at Northern Lower Michigan sites as well, transportation costs are extremely difficult to calculate on a per region basis. In 1984 there were a total of 223 trips in Flint from the Upper Peninsula and Northern Lower Michigan, at a total cost of \$38,836 for the year, or \$174.15 per trip.

## COMMUNITY RESPONSE

Yet no matter how successful a program is at its inception, or how economically feasible it is, the real test of a regional alternative services network is the local response to it. State officials may like how it looks on paper, but if a community resents it as another instance of the state government's interference in local affairs, or if parents and other community leaders are suspicious of it, the program is not likely to survive.

*Local law enforcement officials appreciate the options they now have when they handle runaways. The holdover network gives police officers a choice between putting them in jail or letting them go.*

Most communities in the Upper Peninsula are enthusiastic about their alternative services programs. Local law enforcement officials, for example, appreciate the options they now have when they handle a runaway. In the past, when they picked up a runaway whose parents lived in the area, the usual procedure was to drop the youth off at the parent's doorstep. But the minute the youth was out of sight, the police would worry over whether the youth would take off again when the coast was clear. Now that they can bring such youths to a holdover, local law enforcement have a choice between putting runaways in jail or letting them go. Also, once they drop a juvenile off at a holdover, they no longer have liability for the youth's actions. This is of particular concern to law enforcement

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*Having a locally-based and run program for youthful offenders means that a youth's problems are not likely to be overlooked. Those working most closely with the youth generally know him or her personally—something that parents in the long run appreciate. And local taxpayers and the administrators of adult justice programs are happy as well.*

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when they have a felony offender on their hands. As James Kurtl put it, "We're saving the local sheriff a lot of trouble!"

Parents for the most part are enthusiastic about the program as well. They are relieved that the county doesn't have to send their children downstate to detain them. As Lynn MacGregor explained, "We may think that a youth's problems are pretty serious, but in one of the big cities downstate, detention officials might not even have time to pay attention to them. They have much more serious problems to deal with."

The key to the general enthusiasm for the program is the fact that it enables local officials to respond to a youth's problems appropriately without endangering the commu-

nity's security—and at the same time, without disrupting or overburdening programs meant only for adults. Smaller communities have certain unique characteristics that can work for local justice officials more than one realizes. In Houghton, for example, local law enforcement officials, the clergy, school administrators, and many of the teachers in the public schools are on a first name basis with each other. When a youth gets in trouble, they are all concerned, and are generally willing to work together to see to it that the youth and his or her family can get some help. Consequently, having a locally based and run program for youthful offenders means that a youth's problems are not likely to be overlooked. Those working most closely with the youth generally know him or her personally—something that parents in the long run appreciate. And local taxpayers and the administrators of adult justice programs are happy as well.

Ultimately, of course, any juvenile justice program's success depends not upon its economic feasibility or its acceptability to the community, but upon its effect on local youths and their families. Yet even if it fails to keep any one particular youth out of further trouble, everyone concerned agrees that an alternative services program such as the one in Michigan's Upper Peninsula is a far more humane and economical way to try to solve a youth's problems.

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Mr. KILDEE. Thank you, Jim.  
Dean?

Mr. FOURNIER. Thank you, Mr. Chairman. It is a great pleasure for me to be here representing the State of Vermont today, and I am sure I speak for Chris as well in indicating that.

I would like to address my remarks to the importance of reauthorization of the Act. I recognize fully the support that exists here in this committee room today for reauthorization, but I also understand that not everyone in this town is quite as enthusiastic as we are about reauthorization, and I really like to be sure that there is an understanding of the importance on the State level of reauthorizing the JJDF Act.

So, I would like to spend just a few minutes talking a bit about the system of juvenile justice that we have developed in the State of Vermont as a result of this Act, in conjunction with the requirements of the Act, and then I would like to just very briefly speak to the importance of reauthorization.

Obviously, we from the State of Vermont and the State Advisory Group for the State of Vermont wish to express very strong support for the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

The principles and the philosophy of the Act, we feel, have been wholeheartedly accepted in Vermont. It is focused towards strengthening family structures and establishing community-based and therapeutic alternatives to youth incarceration, as has been adopted and is being practiced in our State, and we feel that our State has made very significant and successful progress towards achieving the goals that are set forth in the JJDP Act.

The mandates of the Act have challenged, and continue to challenge, our commitment to more humane practice of juvenile justice. They also challenge our creativity in developing effective and affordable alternatives to the jailings of status offenders and the present co-mingling of juveniles and adults in our detention and correctional facilities.

The power of the Act has been instrumental in achieving deinstitutionalization of status offenders in Vermont, and we are in 100-percent compliance with that. We still have more work to do, however, in complying fully with the jail removal mandates, and I can speak to you on that in more detail if you have questions specifically about our situation. As a Council, we are committed to achieving full compliance with jail removal.

On the bright side of this, I would like the committee to be aware of a few of the most significant improvements in the juvenile justice system that we have achieved in Vermont as a result of the Act's existence.

12 years ago, the State closed its century-old reform school, which until that time was the primary method of treatment for adjudicated youth need out-of-home placements. The facility housed not only juvenile delinquents, but also youths that were charged with status offenses and those found to be in need of care and supervision, the abused and neglected population of youth.

In its place, the State of Vermont now has an extensive network of foster and group homes that provide varied levels of treatment for those that do need out-of-home placement.

The State's secure juvenile facility is comprised of a 14-bed secure detention wing and 16-bed secure treatment wing, and only those youth found to be a danger to themselves or the community can be detained in this facility.

Similarly, only the most troubled youth for whom less restrictive placements have failed can be placed in the secure treatment room of this facility. This facility cannot house status offenders or children felt to be in need of care and supervision.

We also have a statewide network of post-charge and community-based court diversion programs of which I am involved. They handle first-time misdemeanor offenders. The program began 10 years ago. It now handled a full 50 percent of the juvenile courts' delinquency caseload, and it has proven to be successful in deterring 90 percent of that caseload from becoming resolved in juvenile offenses.

We have a network of shelter homes that is available through our Youth Service Bureau system in this State that works with the homeless and runaway youths so that they can be safely housed while the efforts are made to resolve the circumstances that have caused them to run from their homes.

Our State Advisory Group is presently also developing the capability for community-based family mediation services so that we can effectively work with families to resolve difficulties before there is a need for intervention by the formal juvenile justice system, and we are most enthusiastic about our current priority to foster the development of primary prevention programs throughout the State of Vermont.

Not only are we committed to this as a Council, but the State legislature has passed legislation that requires agencies and departments of State government to develop State—a State primary prevention plan, and that plan specifically is developed to reduce the likelihood of juvenile delinquency, truancy, substance abuse, child abuse and other socially destructive behaviors before there is a need to intervene by authorities.

As a complement to that legislation, our legislature has also created a Children's Trust Fund for the specific purpose of funding programs of primary prevention that have been proven effective for juveniles.

Our Council has been assigned the responsibility of administration for both the prevention plan and the Trust Fund, and we are using this unique opportunity to implement and strengthen our group as a State Advisory Group to further the JJDP Act's emphasis on strengthening families through prevention programs.

We are doing that by combining our State prevention funds with that portion of our federal grants funds for prevention and are creating partnerships with local communities in developing a comprehensive network of primary prevention services throughout the State.

It is our strong belief in Vermont that by doing this, we will be providing families with more resources, more skills and a greater capacity to effectively address the problems which, if they are not addressed, increase the likelihood of delinquent behavior.

The Juvenile Justice and Delinquency Prevention Act has served as the catalyst for the developments in our State, and it continues

to be both a relevant and a critically important piece of legislation. It has provided the incentive and the direction for our efforts. It has provided the avenue for cooperative and complementary efforts involving Federal, State and local resources.

But the Act is much more than just simply a mechanism by which Federal funds can be allocated to the States. It offers a vision and it requires improvements to the juvenile justice system which we believe are both desirable and correct.

It provides the driving force to establish and maintain standards of conduct and programs within the juvenile justice system which will ensure a more humane, a more rational and a more effective process of dealing with our Nation's troubled youths.

If the Act is not reauthorized, States will lose far more than a source of Federal funding. We will lose a powerful standard of justice which has guided States in their restructuring of antiquated correctional practices.

We will lose the only tool which allows us to get and keep status offenders out of jail, and which are similarly leading to the removal of misdemeanor youth to adult facilities. We will also lose the vision that programs that focus on the prevention of problem behaviors are in the long run more cost-effective and more socially constructive than our programs that are focused on institutionalizing youth after deviant patterns of behavior have become ingrained, and perhaps most importantly, we will continue to lose our youth.

We will lose them through their running. Through their abduction, exploitation, and through their unnecessary incarceration and exposure to the very worst elements of our society, and so again, we therefore strongly encourage reauthorization and continued funding of the Juvenile Justice and Delinquency Prevention Act of 1974.

Thank you very much.

[The prepared statement of Gay P. Fournier follows:]

TESTIMONY  
ON THE REAUTHORIZATION OF  
THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

PRESENTED TO:  
SUBCOMMITTEE ON HUMAN RESOURCES  
THE HONORABLE DALE E. KILDEE, CHAIRMAN  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C.

PRESENTED BY:  
GUY P. FOURNIER, VICE-CHAIR  
THE VERMONT CHILDREN AND FAMILY COUNCIL FOR PREVENTION PROGRAMS  
(VERMONT'S STATE ADVISORY/SUPERVISORY GROUP)

September 11, 1987

- O JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM
- O STATE PRIMARY PREVENTION PROGRAM
- O CHILDREN'S TRUST FUND



PLANNING DIVISION  
103 SOUTH MAIN STREET  
WATERBURY, VERMONT 05676  
(603) 241-2227

STATE OF VERMONT  
CHILDREN AND FAMILY COUNCIL  
FOR PREVENTION PROGRAMS

Mr. Chairman:

Let me begin by indicating that the Vermont State Advisory/Supervisory Group wishes to express strong support for the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

The principles and philosophy of the Act have been wholeheartedly accepted in Vermont. Its focus towards strengthening family structures and establishing community based and therapeutic alternatives to youth incarceration has been adopted and is being practiced in our state. We feel that the State of Vermont has made significant and successful progress towards achieving the goals set forth in the JJDP Act.

The mandates of the Act have challenged, and continue to challenge, our commitment to more humane practice of juvenile justice. They also challenge our creativity in developing effective and affordable alternatives to the jailing of status offenders and the present co-mingling of juveniles and adults in our detention and correctional facilities.

The power of the Act was instrumental in achieving deinstitutionalization of status offenders in Vermont. Though we have made gains, we have more work to complete before we fully comply with the jail removal mandate. As a Council, we are committed to achieving full compliance in this area.

Mr. Chairman, I would like your Committee to be aware of a few of the most significant improvements to the Juvenile Justice system which have been achieved in Vermont as a result of the Acts existence.

CLOSING OF THE REFORM SCHOOL

Twelve years ago the State's century old reform school was closed. Until that time, it was the primary method of treatment for adjudicated youth needing out-of-home placement. The facility housed delinquent youth as well as youth charged with status offenses and those found to be abused/neglected.

COMMUNITY BASED SERVICES

The State now has an extensive network of foster and group homes which provide varied levels of treatment for our detained and adjudicated youth.

LIMITED CAPACITY SECURE FACILITY

The State's secure juvenile facility is comprised of a 14 bed secure detention wing and a 16 bed secure treatment wing. Only those youth found to be a danger to themselves or the community can be detained in this facility. Similarly, only the most troubled youth for whom less restrictive placements have failed can be placed in the secure treatment facility. This facility houses only delinquent youths and neither status offenders nor children in need of supervision can be placed there.

STATEWIDE SYSTEM OF COURT DIVERSION

A statewide network of post charge community based court diversion programs exists to handle first time misdemeanor cases. The program began ten years ago and now handles 50% of the State's delinquency caseload. It is successful in deterring 90% of its caseload from further delinquent acts.

SHELTER HOMES FOR RUNAWAY YOUTH

A network of shelter homes is available through the Youth Service Bureau system so that home less and runaway youth can be safely housed while efforts are made to resolve the circumstances which caused them to leave their homes.

FAMILY MEDIATION SERVICES

The State Advisory Group is presently developing the capability for community based family mediation services so that we can more effectively work with families to resolve difficulties before there is a need for intervention by the formal juvenile justice system.

PRIMARY PREVENTION PROGRAMMING

We are most enthusiastic about our current priority to foster the development of primary prevention programs throughout the State of Vermont. Not only are we committed to this as a Council but the State Legislature has passed legislation which requires that agencies and departments of state government develop a State Primary Prevention Plan "to reduce the likelihood of juvenile delinquency, truancy, substance abuse, child abuse and other socially destructive behaviors before intervention by authorities".

As a compliment to the legislation, the Legislature has also created a Children's Trust Fund for the specific purpose of funding programs of primary prevention proven effective for juveniles. Our Council has been assigned the responsibility of administration for both the Prevention Plan and the Trust Fund. We are using this unique opportunity to compliment and strengthen our work as a State Supervisory Group to further the JJDP Act's emphasis on strengthening family units through prevention programming. We are combining our state prevention funds with that portion of our formula grant allocated for prevention programs and we are creating partnerships with communities to develop comprehensive network of primary prevention services.



It is our strong belief that by doing this we will be providing families with more resources, more skills, and a greater capacity to more effectively address the problems which, if left unresolved, increase the likelihood of delinquent behavior.

The Juvenile Justice and Delinquency Prevention Act has served as the catalyst for these developments in our State and it continues to be both a relevant and a critically important piece of legislation. It has provided the incentive and the direction for our efforts. It has provided the avenue for cooperative and complimentary efforts involving federal, state, and local resources.

But the Act is much more than simply a mechanism by which federal funds can be allocated to the States. It offers a vision and requires improvements to the Juvenile Justice System which we believe are both desirable and correct. It provides the driving force to establish and maintain standards of conduct and programs within the Juvenile Justice system which will ensure a more humane, more rational, and more effective process for dealing with our nation's troubled youth.

If the act is not reauthorized, states will lose far more than a source of federal funding. We will lose a powerful standard of justice which has guided states in the restructuring of antiquated correctional practices. We will lose the only tool which allows us to get (and keep) status offenders out of jail and will similarly lead to the removal of misdemeanor youth from adult facilities. We will lose the vision that programs which focus on the prevention of problem behaviors are, in the long run, far more cost-effective and more socially constructive than are programs focused on the institutionalization of youth after deviant patterns of behavior have become engrained. And, most importantly, we will continue to lose our youth. We will lose them through their running, their abduction, their exploitation, and through their unnecessary incarceration and exposure to the very worst elements of our society.

We, therefore, strongly encourage reauthorization of and continued funding for the Juvenile Justice and Delinquency Prevention Act of 1974.

Thank you.

Mr. KILDEE. Thank you very much.

You were right in that observation that everyone in this town is for the reauthorization, but thanks to people like Tom Tauke and Jim Jeffords, we have real good bipartisan support for it in this committee.

Christopher, do you have testimony or want to answer questions at the end of the panel?

Mr. FLEURY. I will look for questions at the end.

Mr. KILDEE. Our next witness then is Augustine C. Baca.

Mr. BACA. Thank you very much, Mr. Chairman. I go by Chris. The Hispanic culture, like some other cultures, name their children after Saints, in hopes that some of that will rub off, and in my case, it didn't work.

Mr. KILDEE. Me llamo Dale Edwardo Kildee.

Mr. BACA. Eduardo. My name is Chris Baca. I am the Executive Director of Youth Development, Inc., which is located in Albuquerque, New Mexico, and in New Mexico, we have a saying that a lot of people didn't know that New Mexico is part of the United States, so those of you that don't know that, we are a part of the United States, we are, and the only green card you need to get there is your American Express Card.

I would like to take—this—I would like to thank the Subcommittee on Human Resources for the opportunity to have input into the reauthorization of the Juvenile Justice and Delinquency Prevention Act. I have been Executive Director of Youth Development, Incorporated, since 1973, and have been involved in youth services for practically 19 years.

In fact, because I was still considered a youth in 1974, I was one of the youth appointees to the very first National Advisory Committee on Juvenile Justice and Delinquency Prevention.

Besides it being quite an honor to serve on this committee, it was also an eye-opening experience for a young Hispanic from the South Valley barrios of Albuquerque. Needless to say, I was somewhat in awe of the many "high-powered" and "knowledgeable" folks also on this committee. There are many insurance company executives, presidents, university officials, judges, and many juvenile experts, Attorneys General-to be, and me.

My organization, Youth Development, Inc., whose genesis goes back to 1971 in the so-called "crime barrios" of the South Valley, is a multi-service youth program offering crisis shelter, intermediate care, residential treatment, alternative schools, adolescent pregnancy prevention, AIDS education, institutional diversion, gang intervention, youth employment, GED preparation, drug abuse education, community beautification programs, elderly transportation, recreation, and dropout prevention services.

I had to say that because my staff said, you got to get it in the Congressional Record.

Our program has been used as a replication or technical assistance model by the Department of Labor, National Association of Counties, International City Managers Association, and the National Coalition of Hispanic Health and Human Service Organizations. Presidents Ford and Reagan have also honored our program via committee appointments or through individual youth recognition.

Now I will address myself specifically to the task beforehand, that is this reauthorization of the OJJDP Act. Without a doubt, I heartily endorse this action. While the past few years have been problematic because the former administrator seemed intent on dismantling the OJJDP, the legislation itself has left positive impact on the States because it has guided them in the direction of finding more humane ways of dealing with the problems of status offenders as well as delinquents.

I think, as in most things, over the past 13 years since the passage of the Act, States and their legislatures have gradually become educated as to the complexity of needs amongst their respective youth populations.

Whereas, in my particular State, youth's justice and delinquency prevention programs were less than visible, today they are afforded and treated the same as adult programs. This was most the case before the passage of the Act, and indeed, it was not the case in the intermediate years after the Act.

Our State, though, has taken initiatives to come in compliance with many aspects of the Act. For instance, the Community Corrections Act, passed by our legislature, provides for community-based alternatives for juvenile delinquents in order to separate delinquents being incarcerated in adult jails.

Without the impetus provided by the OJJDP Act, one can only guess how much further behind we would be compared to model States like Utah and Massachusetts. Some sections of the Act have had long-term impact on the State.

For instance, section 223(a)(12) having to do with the deinstitutionalization of status offenders started State officials thinking about how to handle this type youth. In the late seventies, the legislature passed the Shelter Care Act which set the framework for the State's shelter system which is now administered by the Department of Human Services.

Also, section 223(a)(13), which has to do with site and sound separation of juveniles from adults in institutions not only caused the State to close some facilities, but also forced them to allocate badly-needed dollars to renovate or build facilities so they could meet the intent of the Act.

OJJDP funds provided to New Mexico, though very little under the formula grant—I think we received in the neighborhood of \$275,000—have, at least been the one consistent pot of money through which the State has tried new and innovative approaches to juvenile justice and delinquency prevention.

For instance, our State's JJAC, which is the Juvenile Justice Advisory Council, has funded gang intervention programs, youth positive motivation programs, conflict resolution efforts, non-secure shelter services, and diversion programs.

The average award has been in the \$15,000-20,000 range and most all programs have done well in meeting their goals and objectives. I believe the State is getting a lot of services for such small amounts of funds.

Because of this, I would like to recommend that more funds be made available to the States. They have done a good job despite the fact that the funds have been minimal. I know of many good pre-

vention program ideas that have not been tried because the funds are just not there.

In the past, there have been some possible abuses of the authority given to the Administrator under section 224, for special emphasis programs. Some ridiculous projects with no merit have been awarded large amounts of JJDP funds, and some of these were on a non-competitive, sole-source basis.

Congress should consider placing some restrictions in section 224 on the authority of the Administrator, perhaps requiring a competitive bid process or limiting the programs which could be funded.

But at least one of the national demonstration efforts funded through OJJDP has been successful. It is an effort I am most familiar with, because we are one of the national sites. The program I am talking about is Proyecto Esperanza/Project Hope, which is administered by the National Coalition of Hispanic Health and Human Services Organization, more commonly known as COSSMHO.

Basically, this grant has assisted Hispanic community-based organizations in 12 cities in developing and conducting intervention and treatment programs for abused, neglected and runaway youth and their families.

Also through this effort, COSSMHO mobilized community education and awareness campaigns and facilitated the development of support networks among the eight community-based sites across the Nation.

I think this points out that special emphasis efforts can be made and can be made successful if they are funded under the intent of the Act and if they are administered by creditable and viable organizations like COSSMHO.

Indeed, successful demonstration efforts such as these need to be implemented elsewhere. Because of this particular joint effort between OJJDP and COSSMHO, the New Mexico State Legislature funded a program to shelter "chronic runaways" because Project Hope was able to identify a serious gap in services to runaway youth. These joint efforts have impact and should be encouraged.

My biggest current concern in New Mexico is the disproportionate numbers of minorities being incarcerated in institutions. In the State like New Mexico, which has a large minority population, some of the facilities there have close to 70 percent minorities as inmates.

It is indeed puzzling because we have large numbers of minority juvenile probation officers, police officers, judges, police chiefs, Governors, you name it, we have got it. New Mexico is known for having high-ranking elected officials that are of minority descent, so the problem, at least on the surface, isn't representation.

I believe that the root causes have to be poverty and education. That is my own opinion. It comes based on my 19 years in the juvenile justice system. I believe this issue needs to be addressed through the JJDP, and I agree with many of the statements on this problem that were made by Dr. Krisberg of NCCD.

In summary, they have had major impact on many communities throughout the State, because it has forced jurisdictions to consider their actions as they pertain to juveniles. For instance, a jail facili-

ty in Clovis, New Mexico was closed because it did not come into compliance with the Act in terms of separating juveniles from adult inmates.

On the other hand, the jail removal mandate has also created some problems. For instance, in order to comply with the mandate to remove juveniles from adult jails, most have had to devote virtually all of their funds towards compliance with this mandate by funding programs to provide alternatives to secure detention.

The State Advisory Groups have focused most of their time and energy to removal of juveniles from adult jails. This is a very important effort, but this has resulted in less emphasis being placed in other goals of the JJDP Act, such as prevention of juvenile delinquency.

In New Mexico, for example, this has meant that fewer delinquency prevention programs and fewer programs designed to intervene in juvenile gang behaviors have been funded. Perhaps the Congress should consider placing an increased emphasis in the JJDP Act under delinquency prevention.

If we are to stem the tide of juvenile delinquency, then we have to put at least equal focus on the delinquency prevention role of the Act. I recommend the reauthorization of the OJDDP Act to H.R. 1801, because of the reasons I have outlined.

Thank you, Mr. Chairman, and the rest of your committee for your continuing efforts on the behalf of young people of our Nation.

Thank you.

[The prepared statement of Chris Baca follows:]

PREPARED STATEMENT  
OF  
CHRIS BACA  
EXECUTIVE DIRECTOR  
YOUTH DEVELOPMENT, INC.  
ALBUQUERQUE, NEW MEXICO

I am Chris Baca, Executive Director of Youth Development, Inc., which is located in Albuquerque, New Mexico. I would like to thank the sub-committee on Human Resources for the opportunity to have input into the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

I have been Executive Director of Youth Development, Inc., since 1973 and have been involved in youth services for practically 19 years. In fact, because I was still considered a youth in 1974, I was one of the youth appointees to the very first National Advisory Committee on Juvenile Justice and Delinquency Prevention. Besides it being quite an honor to serve on this Committee, it was also an eye-opening experience for a young Hispanic from the South Valley barrios of Albuquerque. Needless to say, I was somewhat in awe of the many "high-powered" and "knowledgeable" folks also on this committee, insurance company presidents, university officials, judges, many juvenile experts and Attorney General to be.

My organization, Youth Development, Inc., whose genesis goes back to 1971 in the so-called "crime barrios" of the South Valley, is a multi-service youth program offering crisis shelter, intermediate care, residential treatment, alternative schools, adolescent pregnancy prevention, AIDS education, institutional diversion, gang intervention, youth employment, G.E.D. preparation, drug abuse education, community beautification programs, elderly transportation, recreation, and drop-out prevention services. Our program has been used as a replication or technical assistance model by the Department of Labor, National Association of Counties, International City Manager's Association, and the National Coalition of Hispanic Health and Human Service Organizations. Presidents' Ford and Reagan have also honored our program via Committee appointments or through individual youth recognition.

Now I will address myself specifically to the task beforehand, that is this reauthorization of OJJDP. Without a doubt, I heartily endorse this action. While the past few years have been problematic because the former administrator seemed intent on dismantling the OJJDP, the legislation itself has left positive impact on the states because it has guided them in the direction of finding more humane ways of dealing with the problems of status offenders as well as delinquents. I think, as in most things, over the past 13 years since the passage of the Act, States and their legislatures have gradually become educated as to the complexity of needs amongst their respective youth populations. Whereas, in my particular state, youth's justice and delinquency prevention programs were less than visible, today

they are treated and considered at almost the level of adults. This was not the case before the passage of the Act, and indeed, in the intermediate years after the Act. Our state though has taken initiative to come in compliance with many aspects of the Act. For instance, the Community Corrections Act, passed by our Legislature provides for community based alternatives for juvenile delinquents in order to separate delinquents being incarcerated in adult jails. Without the impetus provided by the JJDP Act one can only guess how much further behind we would be compared to states like Utah and Massachusetts. Some sections of the Act have had long term impact on the State. For instance Section 223(a)12 having to do with the deinstitutionalization of Status Offenders started State officials thinking about how to handle this type youth. In the late seventies the legislature passed the Shelter Care Act which set the framework for the State's Shelter system which is now administered by the Department of Human Services. Also Section 223(a)13 which has to do with site and sound separation of juveniles from adults in institutions not only caused the State to close some facilities, but also forced them to allocate badly needed dollars to renovate or build facilities so they could meet the intent of the Act. JJDP funds provided to New Mexico, though very little under the formula grant, have, at least been the one consistent pot of money through which the State has tried new and innovative approaches to juvenile justice and delinquency prevention. For instance our State's JJAG has funded gang intervention programs, youth positive motivation programs, conflict resolution efforts, non secure shelter services, and diversion programs. The average award has been in the \$15,000-\$20,000 range and most all programs have met their contract goals. I believe the State is getting a lot of services for such small amounts of funds.

Because of this I would recommend that more funds be made available to the State. They have done a good job despite the fact that the funds have been minimal. I know of many good prevention program ideas that have not been tried because the funds are just not there. In the past, there have been some possible abuses of the authority given to the Administrator under Section 224, for Special Emphasis programs. Some ridiculous projects with no merit have been awarded large amounts of JJDP funds, and some of these were on a non-competitive, sole-source basis. Congress should consider placing some restrictions in Section 224 on the authority of the Administrator, perhaps requiring a competitive bid process or limiting the programs which could be funded.

My biggest concern in New Mexico is the disproportionate numbers of minorities being incarcerated. Even in a state like New Mexico which has a large minority population, some facilities have close to 70% minorities as inmates. It is indeed puzzling, because we have large numbers of minority juvenile probation officers, police officers, and judges. New Mexico is known for having high ranking elected officials that are of minority descent. So the problem isn't representation. I believe that poverty and education have to be at the root of this problem, but



that is my own opinion based on my 17 years in the juvenile justice system. These issues need to be addressed through JJJDP. I agree with many of the statements on this problem made by Dr. Isberg of NCCO.

But at least one of the National demonstration efforts funded through OJJDP has been successful. It is an effort I am most familiar, because we are one of the National sites. The program I am talking about is Proyecto Esperanza/Project Hope which is administered by the National Coalition of Hispanic Health and Human Services Organizations (COSSMHO). Basically this grant has assisted Hispanic community-based organizations in 12 cities in developing and conducting intervention and treatment programs for abused, neglected and runaway youth and their families. Also through this effort COSSMHO mobilized community education and awareness campaigns and facilitated the development of support networks among the eight community based sites across the nation. I think this points out that Special Emphasis efforts can be successful if they are funded under the intent of the Act and if they are administered by creditable and viable organizations like COSSMHO. Indeed successful demonstration efforts such as these need to be implemented elsewhere. Because of this particular joint venture between OJJDP and COSSMHO the New Mexico State Legislature funded a program to shelter "chronic runaways" because Project Hope was able to identify a serious gap in services to runaway youth. These joint efforts do have impact and should be encouraged.

In summary the Act has had major impact on many communities throughout the state because it has forced jurisdictions to consider their actions as they pertain to juveniles. the jail facility in Clovis, New Mexico was closed because it did not come into compliance with the Act in terms of separating juvenile from adult inmates. On the other hand this has created some problems. For instance in order to comply with the mandate to remove juveniles from adult jails (Section 223(a)(14), most states have had to devote virtually all of their JJDP Formula Grant funds toward compliance with this mandate by funding projects which provide alternatives to secure detention. The State Advisory Groups have focused most of their time and energy on removal of juveniles from adult jails. This is a very important effort, but this has resulted in less emphasis being placed on other goals of the JJDP Act, such as prevention of juvenile delinquency. In New Mexico, for example, this has meant that fewer delinquency prevention programs and fewer programs designed to intervene in juvenile gang behavior have been funded. Perhaps the Congress should consider placing an increased emphasis in the JJDP Act on delinquency prevention. If we are to stem the tide of juvenile delinquency then we have to put at least equal focus on the delinquency prevention role of the Act.

I recommend the reauthorization of the OJJDP Act through H.R. 1801 because of the reasons I have outlined. I thank you Mr. Chairman and the rest of your Committee for your continuing efforts on behalf of the young people of our nation.



YOUTH DEVELOPMENT, INC.  
PROJECT HOPE  
ALBUQUERQUE, NEW MEXICO

Project Hope was started three years ago as an intervention program aimed at runaway Children between the ages of 13 and 18, and to focus on hispanic Children in Bernalillo County. The intention of Project Hope was that with active counseling intervention which would involve not just the child but the Family, along with the City Schools and the Juvenile Courts, we could offer other options or solutions to deal with the problems that were causing this child to run away from home.

We found out that the reasons children run away from home were as varied as the children themselves. some of the reasons were:

- 1-Parents unable or unwilling to set limits.
- 2-Parental problems. [divorce, physical or sexual abuse, spousal violence]
- 3-Negative peer pressure.
- 4-Experimentation. Testing set boundries.

Project Hope was able to work with these children and their families by simply sitting down with the parents and teaching them basic parenting skills (as in reason #1) and developing a Treatment plan with short and long term goal attainments with our Counselors monitoring once a week.

In cases of Child Abuse, these cases would be turned over to Human Services-Child Protection Services.

In cases dealing with negative peer pressure, it became important that the child not just be isolated from the negative influence of his or her peers but that other avenues of involvement be afforded to the Client. This might mean more participation in School activities, Sports or other activities that the Client might like to do, maybe a part time job. Again, monitoring by our Counselors was essential.

## Project Hope

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While Project Hope has a good reputation as an intervention program, it also does a good job as a prevention program. Project Hope in the past two years has worked side by side with the Albuquerque Public Schools through their Counseling services as well as other service agencies to help provide the client and his family with outreach services that would benefit the whole family. Project Hope also participates in Group Sessions and gives lectures and informal talks with parents on subjects like drug abuse, alcoholism, Positive Communication with their adolescent and positive parenting skills.

Project Hope's main strengths lie in the fact that it is a non-profit Counseling service that is holistic in its approach to problem solving by inviting the family to participate in its own treatment. Counselors visit the family in their homes and work with other service agencies to better assist a child or a family in crisis. Project Hope also works with the Juvenile Courts of the City as an advocate for many juveniles who might only need a second chance to turn their life around.

Project Hope also works very well with the Police department who have started referring children to our program, they also turn over to us all of their runaway reports -1,100 last year-so we can contact those families and do follow up on the status of those children, over 15% of our case load comes from contacting these families of runaways.

## Project Hope

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The Schools in the City are also involved with our program. Project Hope has a high profile especially in the Mid-Schools of the City where Counselors referred over 200 Children to our program last year. Also, through the "partnership program" a High School program started two years ago by Project Hope, we are able to impact on students who are having behavioral problems at school, this referrals are usually made by APS Security Officers.

While Project Hope's original intention was to serve as an advocate for mostly Hispanic Children, we in good conscience could not turn away from Children of other racial persuasions who needed our assistance, so while most of our case load is Hispanic (60%), Anglo, Black and Native American children also partake of our Counseling services and involvement.

It also should be noted that while Project Hope is still very focused on the runaways in the Community, families do call on us to assist with their Children who might be suffering from drug or alcohol dependency, violent or abusive behavior, depression or suicidal ideations or suspected physical or sexual abuse. While our program does not treat many of this psychological problems, we know agencies that do, and we can refer these cases to the appropriate private, public or State agency, at the same time we remain in contact with the family and follow up on the client's progress.

## Project Hope

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Project Hope is successful for many reasons not the least of which is the good working relationships we have with other service agencies in the Community. Project Hope is also bi-lingual and bi-cultural, this opens many doors in the community to our services. Also, coupled with the extension services offered through our umbrella agency, Youth Development Inc (YDI). we are able to offer a myriad of social services to our clients such as stay in school programs, runaway shelters, Chronic runaway treatment, employment services for teens, etc, at no cost to the clients. Since September of 1984, when Project Hope first opened its doors, over 700 young people and their families have come to us for services, many we have helped, some we could not reach but all were offered a semblance of hope. I wish I could give you a "success" rate of our clients but to do so would be erroneous at best, presumptuous at worst. I do know that many of our past clients are doing better because of Project Hope, others have moved away or no longer keep in contact but all were touched in a positive way, if only briefly, because of Project Hope.

CARLOS ROMERO

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## NEW MEXICO

"ON THE SKIN" Award

85-JJ-1	Corrections Dept.. Planning and Administration	\$ 23,775
85-JJ-2	Corrections Dept.. Juvenile Justice Advisory Committee	\$ 11,250
85-JJ-3	Albuquerque Public Schools Youth Leadership	\$ 12,510
85-JJ-4	UNM Medical School. Alcohol & Substance Abuse Prevention	\$ 6,000
85-JJ-5	Corrections Department Juvenile Detention/Jail Monitoring Administration	\$ 30,000
85-JJ-6	Youth Development, Inc.. Chronic Runaway Facility	\$ 20,000
85-JJ-7	Youth Development, Inc.. Youth Positive Motivation	\$ 15,000
85-JJ-8	Youth Development, Inc. Youth Gang Intervention Project	\$ 39,910
85-JJ-9	Valencia Counseling Services. Substance Abuse Prevention	\$ 12,000 *
85-JJ-10	Roswell Independent School District. Substance Abuse Prevention	\$ 12,500 *
85-JJ-11	Gallup-McKinley County Schools. Substance Abuse Prevention	\$ 14,000
85-JJ-12	Belen Consolidated School District. Substance Abuse Prevention	\$ 7,000 *
85-JJ-13	Eight Northern Indian Pueblos Council. Substance Abuse Prevention	\$ 5,000 *
85-JJ-14	Region IX Cooperative Center Substance Abuse Prevention	\$ 7,250 *
85-JJ-15	Albuquerque Mediation Center. Conflict Resolution in Schools	\$ 50,000
85-JJ-16	NM Correctional Association Correctional Association Training Conference	\$ 1,500
85-JJ-17	NM Council on Crime and Delinquency Correctional Policy Conference	\$ 5,000
85-JJ-18	NM Council on Crime and Delinquency Advocacy Training	\$ 753
85-JJ-19	NM Correctional Policy Conference	\$ 796
		\$274,250

\* An additional amount of \$42,750 is reserved for future allocation to these programs as follows: Valencia Counseling \$11,000, Roswell Schools \$12,500, Belen Schools \$7,000, Eight Northern Pueblos \$5,000 and Region IX \$7,250 \*

\$ 42,750

Total 1985 JGP Formula Grant Funds  
award to New Mexico

\$317,000

NEW MEXICO  
986 JJN LRA AWA:R

86-JJ-1	Corrections Dept.. Juvenile Justice Planning & Administration	\$ 21.450
86-JJ-2	Corrections Dept.: Juvenile Justice Advisory Committee	\$ 11.250
86-JJ-3	Santa Fe Mountain Center Southwest Youth Leadership Conference	\$ 25.000
86-JJ-4	Chaves County Youth Services, Inc. Prevention and Diversion Program	\$ 5.000
86-JJ-5	Amigos Unidos, Inc. (Taos) Non-Secure Shelter Care Services	\$ 5.000
86-JJ-6	New Frontiers, Inc. (Deming) Families In Need of Services (Non-Secure Shelter Care Services)	\$ 8.580
86-JJ-7	Service Organization for Youth (Raton) Non-Secure Shelter Care Services	\$ 9.000
86-JJ-8	Children In Need of Services, Inc (Alamogordo) Non-Secure Shelter Care Services	\$ 9.725
86-JJ-9	13th Judicial Dist.. Juvenile Probation Office, Cibola County Non-Secure Shelter Care Services	\$ 9.000
86-JJ-10	Youth Shelters of Santa Fe, Inc. Non-Secure Shelter Care Services	\$ 25.000
86-JJ-11	Valenc. County Department of Detention Non-Secure Shelter Care Services	\$ 9.000
86-JJ-12	Families In Action Youth Leadership Program	\$ 3.860
86-JJ-13	University of New Mexico Alcohol & Substance Abuse Program	\$ 7.500
86-JJ-14	Corrections Department Jail Removal/Detention Alternatives Project	\$ 4.900
86-JJ-15	CHINS, Inc (Las Cruces) Non-Secure Shelter Care Services	\$ 20.000

**EXECUTIVE SUMMARY**

**For**

**Proyecto Esperanza/Project Hope**

**COSSMHO**

**National Coalition of Hispanic  
Health and Human Services Organizations  
1030 15th Street, N.W. Suite 1053  
Washington, D.C. 20005**

**Jane L. Delgado, Ph.D.  
Principal Investigator**

**Ivette A. Torres  
Project Director**

**September 2, 1987**

For the past three years COSSMHO has implemented Proyecto Esperanza/Project Hope under OJJDP grant number 84-JS-AX-0020 and 85-JS-CS-0021. COSSMHO has successfully conducted a program which assists Hispanic community-based organizations (CBOs) in 12 cities develop and conduct prevention, intervention and treatment programs for abused, neglected and runaway youth and their families. COSSMHO's accomplishments have been achieved by acting as a "structural broker" between the Hispanic CBOs and the funding agency.

During the first year of Proyecto Esperanza/Project Hope COSSMHO established prevention and treatment programs, mobilized community education and awareness campaigns, and facilitated the development of support networks among service provider agencies in 8 sites across the country. COSSMHO also established and maintained communications with the National Council of Juvenile and Family Court Judges, and the National Court Appointed Special Advocates program.

A pioneering effort in this field, COSSMHO's approach opened doors to the provision of services by Hispanic agencies to youth and families in critical need of assistance. Through Proyecto Esperanza, COSSMHO and the 8 original sites became leaders in the field of child abuse and neglect and crisis intervention strategies for Hispanic youth and families.



The second year of Proyecto Esperanza witnessed a maturation of the eight original project sites and the addition of a new site for "technical transfer", Horizons of Mission Enterprises in Mission, Texas. The CBO adapted the program goals and objectives as a result of changing conditions in the local target population. Overall, services to Hispanic families in need were augmented in the second year, as well as the networking efforts with juvenile justice and social service providers in each catchment area.

Other significant accomplishments during the second program year included a COSSMHO/OJJDP "Juvenile Justice and Hispanic Youth: Issues and Answers" symposium held during COSSMHO's 6th Biennial Conference on Health and Human Services. Proyecto Esperanza CBO's along with prominent juvenile justice researchers and professionals discussed current trends on the incarceration of minority youth and its implications for policy and program development.

The third year of Proyecto Esperanza focused on the institutionalization of CBO programs supporting geographically tailored methodologies for juvenile delinquency prevention, interventions and treatment of physical and sexual abuse and crisis intervention and counseling for runaways. Further, COSSMHO identified three new technical transfer initiatives in Puerto Rico.

Through its third year activities, COSSMHO continued to maximize the knowledge gained through Proyecto Esperanza by offering technical assistance to national associations and

organizations involved in child abuse prevention, and runaway and homeless youth coalitions. At present, COSSMHO is a member of the National Advisory Committee of the Joint Centers on Child Abuse and Neglect and The National Committee for the Prosecution of Child Abuse and Neglect. COSSMHO is also a member of the Ad Hoc Coalition on Juvenile Justice a group which analyzes and evaluates programs for youth and families in crisis.

As a direct result of Proyecto Esperanza/Project Hope COSSMHO and the CBOs have developed a multitude of program methodologies for families in crisis and in need of counseling and family support services. CBO program interventions include:

Youth Development, Inc., Albuquerque, NM - a school based "Partnership Program" providing counseling services to youth and families in crisis. YDI's counselors work with the police officer and the school's counselors to coordinate and provide counseling to troubled youth and his/her family in several Albuquerque high schools. YDI also implemented crisis intervention and counseling services to clients referred by the Albuquerque Police Department and other county youth authorities. In addition, as part of the second year program YDI provided training to non-Hispanic and Hispanic case workers and professional staff of the government and private non-profit sector of Bernadillo County.

Proceed, Inc., Elizabeth, NJ - case management, treatment and prevention interventions to predominantly Hispanic families experiencing child maltreatment, and physical or sexual abuse. A Parents Anonymous program model was also adapted for Hispanic families identified through the counseling component.

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A media campaign was also conducted by Proceed, Inc., addressing issues of child abuse and neglect prevention among Hispanic families.

Centro de Amistad, Inc., Guadalupe, AZ - development of a clinical team providing counseling and treatment to Hispanic/Indian families suffering from physical, emotional, and/or sexual abuse, or other family dysfunction. Centro developed and implemented a radio and TV campaign to recruit clients and air messages combating child maltreatment targeted at Hispanic and Indian families of the greater Chandler, Mesa and Guadalupe communities.

Hispanic Health Council, Hartford, CT - conducted research identifying the incidence of child abuse and maltreatment among Hispanic families in the state of Connecticut. HHC developed a culture sensitive intake form to be utilized by agency personnel providing services to maltreated or sexually abused children and youth. In addition, HHC developed training modules for both parents and youth on child abuse prevention. Providers of youth services were also trained to better handle cases involving Hispanic families.

Nevada Association of Latin Americans, Las Vegas, NV - provides culturally sensitive bilingual services for victims and family members who have experienced child sexual or physical abuse and/or runaway/delinquent problems. Nala also worked with the Department of Welfare in the recruitment of Hispanic foster homes. The program also offered temporary shelter placement services to youth in crisis. Nala organized community training seminars for Hispanic families and non-Hispanic youth service workers.

La Familia Counseling Center, Inc., Sacramento, CA - developed training modules for social service providers working with child abuse and neglect clients. Products included a training tape and accompanying manual. La Familia also organized and implemented a media campaign to reduce the incidence of child maltreatment including education materials and a "Don't Be A Victim" information package for youth. In addition, La Familia established and is conducting the CASA program in the city of Sacramento.

Institute for Human Resources Development, Inc., Salt Lake City, UT - development of crisis intervention and family stabilization treatment for runaway youth population. A Mujeres on Mothering Safely Program (MOMS) also provided parenting skills for adolescent and young mothers as preventive measure to child abuse and maltreatment. IHRD also developed a replication manual for the MOMS program and holds a seat on the Permanency Planning Council of the State of Utah.

Association for the Advancement of Mexican Americans, Inc., Houston, TX - negotiated a license process to identify, train and license bilingual bicultural Hispanic Host Homes. The Host Homes provide temporary shelter placement for children and youth referred by the Department of Child Protective Services and other youth service providers. A juvenile and family court parenting skills training program for court assigned cases was implemented as well as a sensitivity training workshop for the local volunteers of the Houston CASA program.

Technical Transfer Initiatives

Horizon's of Mission Enterprises, Inc., Mission, TX -  
development of parent training and youth peer counseling  
training component for families with youth delinquency problems.

Centro Sister Isolina Ferre, Inc., Ponce, PR -  
development of parenting skills training program targeting  
families with alcohol and other substance use problems.

Centro Recreativo de Cantera, Inc., Santurce, PR -  
development of a Parent/Child goal setting and life planning  
program to encourage school retention for 8-14 year old at-risk  
dropout population.

Nu Sigma Beta's Youth Program, Inc., Hato Rey, PR -  
development of a school based youth peer counseling training  
program targeting alcohol and substance use/abuse prevention.  
Identification and analysis of existing youth targeted  
prevention literature is also part of the scope of work.

Clearly, family crisis intervention and counseling  
strategies have been an integral part of Proyecto Esperanza  
products. Efforts previously described have involved families,  
schools, social services agencies, judicial and law enforcement  
departments and other community based resources in comprehensive  
attempts to strengthen dysfunctional families and thus reduce  
the potential for delinquency among Hispanic youth.

Overall, through OJJDP's assistance and COSSMHO's networking role, Hispanic community agencies were able to strengthen service delivery components servicing at risk children and youth. As a result of this three year demonstration program almost all of the CBOs participating in the Proyecto Esperanza program will be continuing the services established under this initiative. Further, the products developed under the program will be reproduced and made available to other agencies wishing to duplicate these program models.

COSSMHO hopes to continue to its work with OJJDP in the identification and assessment of culturally sensitive program models serving families in crisis.

The staff of Proyecto Esperanza/Project Hope included Jane L. Delgado, Ph.D., COSSMHO's President, Ivette A. Torres, MEd., M.S., National Program Director, Frank Ponce, M.A., M. Div., Research Associate and Jose Szapocznik, Ph.D. National Evaluator.

Mr. KILDEE. Thank you.  
Beth Farnbach?

Ms. FARNBACH. Mr. Chairman and members of the subcommittee, thank you very much for inviting me to testify before you today. My name is Beth Farnbach. I am Executive Director of a law-related project sponsored by Temple University School of Law in Philadelphia.

Our project, with the assistance of the Juvenile Justice and Delinquency Prevention Act, has recently expanded to serve young people in schools throughout the Commonwealth of Pennsylvania with delinquency prevention education programs. Unlike Mr. Baca, I was not considered a youth in 1974, and I don't think I want that in the Congressional Record.

I am here to tell you that I believe the Juvenile Justice and Delinquency Prevention Act has been very helpful to us in Pennsylvania. I hope you will be pleased with the work that we have accomplished. We have a great deal more to do, and I hope you will reauthorize the Act, keeping the specific language, law-related education programs and projects designed to prevent juvenile delinquency.

In order to demonstrate how I believe the Act has been helpful to us in Pennsylvania, I hope you will let me share with you a little bit of the history of law-related education in our Commonwealth.

My project, Temple Law Education and Participation, which we call LEEP, has been actively teaching young people in the metropolitan Philadelphia area about law and the legal system since 1974. We have had programs primarily involving secondary school young people and then later working with elementary school youngsters as well.

All of these programs have brought in numerous members of the law and justice community in the Philadelphia area so that lawyers, police officers, judges, members of the law faculty, and indeed law students from Temple University have been working with young people in our area for all that time.

So, as you can see, law-related education wasn't a new idea in Pennsylvania because of the Act. I think the question before you today, and that I want to share with you then, is the difference that I believe that the Federal effort in the Act indeed has made to our programs in Pennsylvania.

First of all, and very, very important, has been the research about law-related education as delinquency prevention education has been made possible and funded by the Office of Juvenile Justice and Delinquency Prevention.

The research which would not have been possible for a program such as mine to carry out but needed national leadership has shown that law-related education, when properly implemented, can serve as a significant deterrent to delinquent behavior.

This research then, and its results, have helped us channel our resources into programs that we believe are truly effective and are working for young people. The research has also given us a valid base on which to evaluate programs, both our local programs and our statewide programs, to find out if, in fact, we are taking the right direction.

And it has also helped us with credibility in Pennsylvania, to help convince people throughout the State that law-related education is a valid and meaningful and worthwhile program for them to spend their energies and time and resources.

A second area of assistance from the Federal level that has been important to us has been the provision of technical assistance. There is a consortium of five national law-related education programs who have been funded by OJJDP again to provide technical assistance throughout a number of States.

I understand that this year there now is a total of 34 States involved in this technical assistance and national dissemination and training project in Pennsylvania as one of those States.

Mr. Chairman, you referred earlier to the fact that you were a former teacher. I am also a former teacher. I realized I was sitting here with my red pen, and you will recognize some of the props.

I also brought an audio-visual aid here. We have a visual aid, a map of the United States, showing the States in which the national law-related education training dissemination project is now working. We would like to be able to come back here in a couple of years and have all of the States have some sort of symbol showing our activity.

Please notice I have also brought my lawyer. I am well prepared. This is Ed O'Brien, who is a co-Director of the National Institute for Citizen Education in Law here in Washington. He also is a former teacher.

Thank you very much.

The provision of technical assistance has been especially valuable because it keeps each local area and each State from sort of reinventing what law-related education is. We are able to spend our energies again on disseminating models that we know to be working well, and to share those models—to use the word networking, I suppose—both from national modeling among different school districts and among locations within the State of Pennsylvania, so all of this has been very helpful to us.

The third area that the Federal involvement has made a difference to us, and I think has very appropriately been the provision of some seed money to each of the target States.

As each of the 34 States has joined the National Dissemination and Training Program, we have been provided with a small amount of seed money—I mean small. Our State of Pennsylvania joins this national network in 1985 and 1986, and we were given \$10,000 to add to our local funding from Temple University School of Law with which we were to provide extensive training and dissemination and all sorts of wonderful programs in nine school districts around the State.

I am happy to tell you that we were able to do it, but I don't want you to think that is anything but seed money. I think seed means it was very small, and indeed it was, but it helped and it helped a lot, because that seed money we were able to use to combine with the local funding that we already had in the funding from Temple Law School and from other local organizations and associations, Bar Associations and other associations, and then in turn, these two sources enabled us to go to the Pennsylvania Commission on Crime and Delinquency.



They were convinced with the research, with the technical assistance that we had received, and with the seed money coming from various sources already—the Commission was convinced to help us provide additional funding to reach additional young people in Pennsylvania through the use of formula grant money that was reverted back to the State of Pennsylvania.

So, all of these sources have combined to help us—we think provided a very cost-efficient and coordinated program in delinquency prevention education in Pennsylvania, and we have heard from all of those sources that we have been using that they are all pleased to be able to dovetail their efforts and to coordinate their efforts with one another to provide these programs.

During the first year of the funding from the Pennsylvania Commission on Crime and Delinquency, the formula grant program—this was just the past year that we have finished—I still use school year, which is also our first year at Temple University, which was 1986-1987.

We were able to extend our work to include 19 school districts around the State during that year, with again our three sources of funding, we were able to provide extensive awareness sessions in law-related education and to train approximately 500 education leaders throughout the State of Pennsylvania.

The shortest of these training programs, I would say, would be a period of a couple hours of awareness and demonstration lessons, but many more of the training programs have reached a period of 10 hours or longer, so many of them with many, many days of training, in addition working with those educators, we had members of the law and justice communities.

For example, juvenile police officers, juvenile probation officers, judges, lawyers, legislators, Mayors, and all different kinds of people often being trained along with the educators in their own community to provide law-related education programs to young people in their areas.

Of course, the goal of all this activity was not to have a lot of meetings and a lot of training sessions, but rather to reach young people, and I understand that that is your goal, as well, and I am so grateful for this goal.

We have been working on compiling the data from our just-past fiscal year which ended this July, and we understand from the 19 school districts that were involved in our program last year that approximately 33,000 young people throughout the Commonwealth received some law-related education courses in their schools, that would not have happened had we not had this training and dissemination project in Pennsylvania.

We have received word from the Commission on Crime and Delinquency that we will receive formula grant funds again in the new year, 1987-1988. We are adding 11 more school districts and we will be working with projections of probably tripling at least the number of young people who will be involved in law-related education courses in their schools during the next year.

It is my belief that the research and the technical assistance and the formula grant money made possible by the Juvenile Justice and Delinquency Prevention Act clearly served as a catalyst in Pennsylvania for Temple University's law-related education project

to begin to serve youth throughout the Commonwealth in both quality and quantity that would not have been possible without that Act.

Mr. Chairman, I kept looking at the name of the subcommittee and seeing that it was the Subcommittee on Human Resources, and this somehow pleased me, because it made me think that the members of this subcommittee are interested in some of the human stories involved in the programs that you sponsor and fund and support so generously.

Law-related education had had a lot of good human resource and human interest stories in Pennsylvania in the last few years. What we are seeing are a lot of good people-to-people teams, and a lot of partnerships developing.

It has given us pleasure to see across the State groups of juvenile police officers working with teachers to prepare curriculum to get information and attitudes and behavioral objectives in front of kids at an early age, rather than just talking about who the trouble-makers are already.

We have been excited to see judges working with young people and explaining the role of law and how difficult it is sometimes to make a decision based on law. I see my law students out in schools all over the city meeting person to person again with young people; very many of these young people at important turning points and decision-making times in their life.

I think we are seeing a lot of partnerships develop and this has been something that has given us a great deal of satisfaction, and something I wanted to share with you.

I also want to mention, and in particular, I am impressed and amazed at the incredible dedication, and once again, we are talking about human resources of individual professionals—of young people, of teachers, of superintendents, of judges, of lawyers and police officers, of individuals who care about young people all around the State who have volunteered their time and energy and commitment, because they believe in juvenile delinquency prevention education.

I think of a Superintendent of School I listed in my testimony, John Lambert. Mr. Lambert is Superintendent in a school district that is a well-recognized district for having a progressive education system throughout the Commonwealth of Pennsylvania.

Mr. Lambert came to a training session we had three years ago, and at that time, his District was not involved in law-related education programs. He has since that time implemented Kindergarten through 12th grade level law-related education programs, hosted training programs, not only for his faculty but for many members of the community, the Bar, the police officers and others, and in his community and in Monroe County.

He hosted a public-private partnership conference at this school district, and has used his considerable good name throughout the State to help us contact other school superintendents, and tell them how good law-related education is.

I think about State Superior Court Judges such as Judge Steven McKuhn and Judge Justin Johnson, who are from different parts of the State. Judge McKuhn has met with literally hundreds of people, talking to them about the plant process and how it worked,

and why a rule of law is important to them; and Judge Johnson, his colleague from Allegheny County out in the western part of the State, gave what I suspect was one of the best speeches I have ever heard in my whole life, about the importance of law-related education at a conference in Pittsburgh that brought together members of, again, the law and justice community and education communities last spring.

I think about a lawyer such as Joy Conte, a highly respected attorney in Pittsburgh. She has not only contacted local and State bar associations and encouraged our programs, but she goes out to the elementary school that her children attend and teaches classes there about law and order.

One of my students, David Trevaskis, last year became so concerned about not just celebrating the Bicentennial with wonderful parades, but he decided that young children should learn more about the basis of law and need for law and rules.

He has been going around with a James Madison costume and met with thousands of children explaining about the need for written laws, about the origin of our Constitution, about the importance of rules in societies and schools and in communities and families.

There are so many good human resources stories here I wanted to share them with you at least a little bit to give you a little flavor of the kinds of things that we are seeing.

Mr. Chairman, we in Pennsylvania have a strong commitment to juvenile justice and delinquency prevention. We have a lot of energy.

I think we are beginning to build broad support and we need some continuing resources and the ongoing help of this Federal program to help us to continue and to train and to work with young people in our State.

I understand that is also true with your fine programs in Michigan, I know some of the people involved and I have heard that you are personally aware of the effects of some of these programs.

If I may, I would like to end on a bit of a personal note. I have two teenagers at home and this Tuesday after Labor Day, the last day before school started and I was spending time at breakfast with my kids, spending time thinking about what my hopes were for them and what they would receive in their education and their attitudes and values during the coming year at the same time, knowing that I had the invitation to appear here, I thought about what I wanted to say to you.

I picked up the morning paper a Philadelphia paper and the front page had a major article that pertained to the return of the 100th Congress and all of the critical agenda that you have before you this fall and it listed some of the terrible dilemmas and decisions that you are all involved with now regarding the Persian Gulf and Central America and the ongoing, everlasting budget problems, and I decided what I really wanted to say to you.

What I want to say is thank you, with all the pressing business that you have ahead of you during this fall, that you are here thinking about and committed to and concerned about what happens to young people.

Thank you very much.

Mr. KILDEE. Thank you very much.

[The prepared statement of Beth E. Farnbach follows:]

SUBCOMMITTEE ON HUMAN RESOURCES OF THE  
COMMITTEE ON EDUCATION AND LABOR  
HOUSE OF REPRESENTATIVES  
SEPTEMBER 11, 1987

PREPARED STATEMENT OF BETH E. FARNBACH,  
EXECUTIVE DIRECTOR, TEMPLE-LAW, EDUCATION  
AND PARTICIPATION, PENNSYLVANIA LAW-RELATED  
EDUCATION TRAINING AND DISSEMINATION PROJECT.

Chairman Kildee and Members of the Subcommittee on Human  
Resources:

Thank you for inviting me to testify before you this  
morning.

My name is Beth E. Farnbach. I am Executive Director of a  
law-related education project sponsored by Temple University  
School of Law in Philadelphia. Our project, with assistance  
provided through the Juvenile Justice and Delinquency  
Prevention Act, has recently expanded to serve young people in  
schools throughout the Commonwealth of Pennsylvania with  
delinquency prevention education programs.

I am here to tell you that I believe that the Juvenile  
Justice and Delinquency Prevention Act has been very helpful to  
us in Pennsylvania and I hope you will be pleased with the work  
we have accomplished. However, we have a great deal more to do  
and I hope that you will re-authorize the Act, keeping "law-  
related education programs and projects designed to prevent  
juvenile delinquency" eligible for support.

In order to demonstrate how I believe the Act has been  
helpful in Pennsylvania, please permit me to share with you  
some history of law-related education efforts in our state.

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My project, Temple-Law, Education and Participation (we call it LEAP) has been teaching young people about law and the legal system in the metropolitan Philadelphia area since 1974. Temple law students teach in city high schools. Teachers, counselors and school administrators attend staff training programs to learn about the legal system and meet professionals involved in the justice system in our area. Twenty-four city high schools send teams to Temple Law School each spring to compete in mock trial competitions, learning about law from judges, law faculty, law students and volunteer lawyers. These and other programs surely show that law-related education has deep local as well as national roots.

What difference, then, has the federal role played in our state?

First, Mr. Chairman, research funded by the Office of Juvenile Justice and Delinquency Prevention showed us that law-related education, when properly implemented, can serve as a significant deterrent to delinquent behavior. This three-year national study was clearly beyond the capacity of a local program such as Temple-LEAP to carry out, but the results of the study have helped us channel our resources into programs that are really effective for young people. The research has given us a valid basis upon which we can evaluate the quality of our services and has helped convince many Pennsylvanians that law-related education is a meaningful and credible effort.

A second area of assistance on the national level has been the provision of technical assistance by a consortium of five national law-related education projects funded by OJJD: The American Bar Association's Special Committee on Youth Education for Citizenship, the Constitutional Rights Foundation, the Center for Civic Education/Law in a Free Society, the National Institute for Citizen Education in the Law and the Phi Alpha Delta Public Service Center.

These organizations have now involved thirty-four states, including Pennsylvania, in an extensive law-related education training and dissemination program, with special emphasis on preparing local leaders to provide leadership and training within their own states. The provision of technical assistance is especially valuable insofar as it keeps each state and locality from reinventing law-related education; instead energies and limited resources can be spent upon disseminating models that are known to be working well.

The third role for federal involvement has, appropriately, been the provision of some seed money to each target state as the new law-related education effort begins in that area.

Let me be clear about this. In no way did that money--we had \$10,000 in 1985-86--begin to pay for the commitment we made during our first year. Our responsibilities included: selecting and training leaders from nine Pennsylvania school districts, holding a statewide law-related education

public/private partnership conference, and overseeing ten hours of training for at least twenty-five people in each of those local districts. State and local resources were vital from the beginning.

That small amount of federal seed money, in Pennsylvania, was combined with the existing support from Temple University. The availability of those two sources of funding, as well as the commitment of other local resources, in turn, helped convince the Pennsylvania Commission on Crime and Delinquency to help. The Commission used some of the unobligated Formula Grant funds being reverted to the state for 1986-87. Thus we were able effectively to dovetail funding efforts to provide a cost-efficient, coordinated program in delinquency prevention education.

In 1986-87 the Commission provided \$53,000 in Formula Grant funds to enable Temple-LEAP to expand further its Pennsylvania programs.

During that year we gave awareness programs and training courses for some five hundred educators (elementary and secondary teachers, curriculum coordinators, principals, superintendents, School Board members) and over three hundred professionals from the law and justice fields (including juvenile police officers, juvenile probation officers, lawyers, judges, prison wardens, legislators and local officials such as mayors and council members).



But the goal of all this activity was to reach young people in Pennsylvania with quality law-related education programs, programs based upon the OJJDP-sponsored research, but planned to meet the needs of each individual community. The nineteen school districts active in the 1986-87 project report to us that nearly 33,000 young people in grades kindergarten through twelve were part of law-related delinquency prevention courses that year because of the training and dissemination provided by our project. We think that was a good start.

Continued support from Formula Grant funds in 1987-88 at the level of \$70,725 will provide us the opportunity to build on that beginning. Continued services for returning districts and the inclusion of eleven additional ones mean that we will have probably tripled the number of students receiving instruction during the coming year.

Temple-LEAP is now preparing a manual about the Juvenile Justice System in Pennsylvania for young people and their parents. Numerous professionals from juvenile justice agencies are helping to evaluate the material and will be working closely in teams with teachers as the manuals are piloted in schools.

It is my belief that the research, technical assistance and Formula Grant money made possible by the Juvenile Justice and Delinquency Prevention Act clearly served as the catalyst for Temple University's law-related education project to begin

to serve youth throughout the Commonwealth of Pennsylvania in both quality and quantity not possible without such support.

Mr. Chairman, I have thus far emphasized the numbers of people, the amounts of funding and the aspects of the federal program which have been so helpful. If I may, I would like to share with you and the members of this Subcommittee some observations about what is happening among people in Pennsylvania as a result of these law-related education programs.

We are seeing people-to-people partnerships throughout the state as we build community support teams: Juvenile officers and teachers plan courses together. Probation officers and curriculum coordinators together make parents aware of the need for delinquency prevention education. Judges meet with students and explain what it is like to make decisions based on the law. Law students act as role models for students at critical times in their development.

I should also emphasize the time, energy and resources made available to law-related education for young people by caring, committed individuals who believe in delinquency education programs.

-- Superintendent of Schools John T. Lambert, from East Stroudsburg, has hosted a public/private partnership conference at his district and used his considerable statewide reputation as an educator to recommend our

project to school district leaders through the Commonwealth.

- Officer Gary R. O'Conner, has spoken at conferences, put an awareness session about law-related education on the agenda of the Pennsylvania Juvenile Officers Association Annual Training Meeting and reviewed educational materials for us.
- The Honorable Stephen J. McEwen, Jr., Judge of the Pennsylvania Superior Court, has spoken with and taught hundreds of high school students about the appellate court system. His colleague on the Bench, the Honorable Justin M. Johnson, gave one of the best speeches I have ever heard about law-related education at a regional partnership conference in Pittsburgh.
- Teacher David Lonich from Ringgold School District has published a thoughtful article about "Using Community Resource People in Law-Related Education."
- Lawyer Joy Conti has not only secured help from state and local bar associations; she has also taught classes about law at her children's elementary school.
- Father Francis Corkery and Officer John Bennett team up to teach students at Cardinal O'Hara High School in Springfield what it is really like to be arrested,

emphasizing rights and responsibilities under the law.

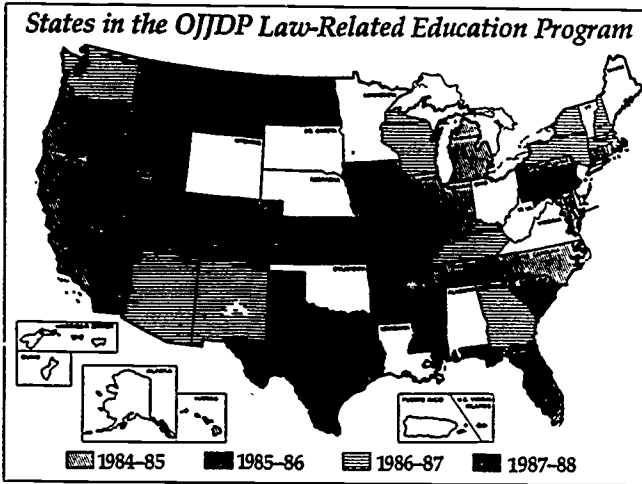
- Temple law student David Trevaskis has donned a colonial costume to become James Madison for thousands of elementary school kids in order to help them understand why we have a system of laws - a Constitution - in our country.

All these good people and so many more believe in our young people, believe that delinquency prevention education programs can help. Another reason they get involved is that kids like law-related education so much.

Mr. Chairman, we have strong commitment and energy and a good beginning in Pennsylvania. Without the ongoing help of Formula Grant money and the technical assistance currently available it is difficult to see how this good beginning can continue to reach more young people. Please lend your support to the continuation of the Juvenile Justice and Delinquency Prevention Act. We know that this partnership of national, state and local involvement can have substantial results.

Thank you again for inviting me to testify before you this morning. May I tell you that I am especially pleased that, with all the pressing issues before the One Hundredth Congress this autumn, the members of this Subcommittee have nonetheless taken time to focus their attention upon the critical needs of our nation's young people. I commend you for that as a

professional committed to law-related education, as a former teacher and as a parent of two teenagers. Thank You.



## National Outreach Makes a Difference

Through the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) National Law-Related Education Training and Dissemination Project, many states and communities around the country are conducting activities to make a difference in the lives of young people.

The project is preparing to expand to nine states in the summer of 1987. This will bring the total to 34 states. Each state that is selected to participate goes through a series of stages to implement law-related education.

Development states are states that have engaged in minimal statewide law-related education activity in the past. During their first year of involvement with the project, they lay the groundwork for later conducting the ambitious target state program. This preparation includes training state project staff; generating aware-

ness and receptivity among community support groups including the bar, bench and law enforcement agencies; and increasing communication among existing law-related education practitioners. To conclude their first year, development states will hold a Spring 1988 awareness conference for school districts and others wishing to join in target state activities in 1988-89.

The target states will conduct a public-private partnership conference, a training-of-trainers seminar, and at least 10 hours of in-service training for over 250 educators.

Last year's target states become expansion states. Along with development and target states, expansion states each receive some funds through this program. Continuation states, on the other hand, receive on-site assistance and project publications, but no funding. These are the 16 states that joined the program before 1986.

After three years of participation in the program, Michigan's Law-Related Education Project Coordinator Linda Start explains, "It takes a lot of work and investment of time, but it's wonderful to see the local projects get

off the ground." By year four, the continuation states are in a strong position to obtain their own funding and training, independent of OJJDP.

New components of the upcoming project year include a three-day advanced training workshop for five-person teams from each expansion and continuation state and a meeting of experts from colleges of education to discuss installing law-related education in the pre-service curriculum.

The national organizations conducting this project with NICEL for the OJJDP are: the American Bar Association's Special Committee on Youth Education for Citizenship, Constitutional Rights Foundation, Center for Civic Education/Law in a Free Society, and Phi Alpha Delta Public Service Center.

Each of these projects and their roles in the national program is described in the new brochure (see cover on page 1) available from NICEL. For a copy of the brochure or the project's annual report, contact NICEL's Associate Director Lee Arbetman, who serves as coordinator for the overall program.

Mr. KILDEE. As a former teacher, I especially appreciate those words and I am the father of three teenagers in the 10th, 11th and 12th grades.

The testimony has been very good. You were very frank, Guy, on saying that Vermont has not yet achieved the jail removal and that is true of a number of States and we are trying to wrestle with how we would handle that this year.

Could you give us some reasons as to why some States are having problems and how you think we might address that?

Mr. FOURNIER. We have a unique situation in Vermont in terms of our law. Sixteen-and-seventeen-year olds can be charged concurrently either in adult or juvenile court.

So we are faced with a dilemma that our public law indicates that this particular age group should be treated as adults for not only felony by misdemeanor cases.

So that creates sort of a unique situation for us in terms of whether it is the adult or juvenile correction system, the jurisdiction they fall under.

If charged as juveniles, we would have no problem because we have the group home placements available for their detention and out of home placements. But because they are charged as adults and become subject to the adult correctional process, law enforcement people and corrections people by law can place them in adult lockups.

We are wrestling with that dilemma how we are going to resolve that.

The other factor that has created a problem for us, Mr. Garde pointed out that data collection has become more accurate and sophisticated in the past few years and we in Vermont were collecting data on misdemeanants and felons, 16-and-17-year olds in adult correctional facilities and realized we had others we were not collecting data on, the 16-and-17-year olds held in protective custody because of incapacitation due to alcohol.

The Alcohol Services in the State of Vermont allows adults who were unwilling to cooperate in voluntary secure placements during their incapacitation, that they can be placed in protective custody and detained until they are detoxified.

So we found another group that we had not been previously collecting data on and although we had reduced the number of misdemeanants, 16-and-17-year olds, we found that counteracted by a population that we hadn't known were being detained so that issue of reevaluating the base-line data I think should be given serious consideration.

I also guess I would agree with what he was suggesting in terms of for those States where there can be shown that they have been making a sincere effort in achieving jail removal either by the expenditure of funds or by the development of policies or clear record of attempts to achieve jail removal, that some consideration be given to extending a date not beyond the full compliance date, but the date for reaching substantial compliance so they can achieve whatever final steps are necessary for getting into that position.

Lastly, I think perhaps in that regard a greater amount of technical assistance from the office might be beneficial to states in performing that.

Mr. KILDEE. Mr. Fleury, you are one of the youth members of the SAG there. How important is the involvement of youth with the SAG?

Mr. FLEURY. As the only representative here, I would like to address that particularly. I am aware that within some of the state advisory group memberships across the country there is some sentiment to eliminate the requirement for youth membership from the act as it is reauthorized. I am very concerned about such a change.

The other youth members I have spoken to at our convention also shared those concerns. I can sympathize with some states that have difficulties in finding dependable youth members. Some things to consider before dropping the mandate for membership is looked upon as a solution for the problem or as an additional option, the problems of dependability and attendance with youth members are now unique to youth members.

Mr. KILDEE. We find that here in the Congress.

Mr. FLEURY. Other members from the public or private sectors have other duties which must be balanced and those are the same considerations, and I think moreover the problems which are unique to youth members in those same factors bring up the importance of some other issues.

The problem of getting young people involved in any type of activity in the community is accentuated by the fact that it is difficult on the SAG's. Problems such as transportation, particularly in rural states getting youth members there and maintaining a consistent interest over the period of time they are on the council.

Those are the same types of concerns we must consider when trying to involve young people in a program where it is a teenager or any type of program. I think perhaps it contributes to the learning experience for those professionals on the state advisory groups to note the fact that those problems must be accounted for in any type of program. That they must face it up front in terms of their own membership on the state advisory groups.

I think the presence of youth members on the council and the requirement that states must find them is a reminder to all concerned about the nature of the work involved, that young people are those who are most directly affected by the state's juvenile justice policies and that the exposure to diverse types of youth to those involved in social services that may work on programs with delinquent or troubled youth, they perhaps see only one side of a diverse population and the exposure to different types is perhaps a reassurance to them of what they are doing.

And also the present law, the act requires the presence of various interests on the councils, public representation of various agencies, private groups, state and local representation, and I think it goes very far toward representing the juvenile justice community as well as stressing the importance of balanced state advisory membership.

I think that given the nature of the work, the additional earmarking of youth member slots on top of the other designations should not be considered as a dispensable nicety. I think there is a danger that if any type of alternative methods for youth involvement aside from mandated membership on the councils themselves



would have the danger of becoming tokenism either in appearance or in reality.

I doubt that would be very helpful in increasing the interest and involvement of young people if their involvement in the process became perceived as supplementary rather than integral.

I would like to conclude with perhaps the most important point on the topic of youth membership, that the juvenile justice community should recognize the present and future need to expand the membership and diverse it of its range in order to be an effective and representative force for positive changes in the field. In the short run, youth membership insures a broader perspective of view points on the issues and the involvement can serve as a training ground for a future generation of youth advocates.

Mr. Fournier's early youth involvement has led to his career in the field. That is what youth bring to the councils and come away from.

Mr. JEFFORDS. You have asked the questions I was going to ask. I thank you for eliciting from my good Vermont people the answers that you did. Beth, I enjoyed your infectious enthusiasm. I know you have a successful program and I know, Jim, that the testimony you gave is going to be very helpful to this committee. That is an excellent research program, and Mr. Baca the testimony you gave is very helpful.

There is nothing more important in my mind in this area than trying to find the answers to the youth criminal situations well before they are started. We are involved in earlier education efforts to try and get young people that have had economic disadvantages to be in a position to be able to face the problems that are created by those situations.

I think we are making a number of moves this year, with the Even Start Program coming along, along with Head Start, to try and prevent the problems that our youth are faced with. I have been watching Vermont very carefully in this area.

I know we have had a new law passed that came about as a result of very serious situations involving young people below the age of 18, and a glitch we had in the law where a situation arose where we had a young person involved in a murder-rape who could only be charged as a juvenile, and under the law, was freed after only a few months because he became an adult and this created a backlash which occurred in other areas. It is unfortunate that we had that in our state, but it is a situation that the legislature faced.

Thank you for your testimony.

Mr. KILDEE. Mr. Baca, in New Mexico are minorities there being served as well in these programs as they should be? What could we do to improve that, if not?

Mr. BACA. I think that is what has happened because so much of the funds have been spent on jail removal, the real impetus of preventing minorities from going into these institutions, which prevention hasn't really been addressed.

As I stated, the grants that are made for prevention are so small, in the neighborhood of \$15,000 to \$20,000, you just begin to touch the tip of the iceberg as we say. But in institutions, they are being very well served. They are there in very large numbers, and so obviously one of my pitches was that we need to get more into the

prevention aspects of this act so we can begin siphoning out some of these numbers.

I mentioned that I think this is a trend that is very disturbing in terms of minorities being incarcerated in such large numbers and really needs to be researched a lot more. It is disturbing in my state, as I mentioned, because we have so many minorities there. The Indians, the Hispanics, and the blacks and Vietnamese make up at least half the state's population and the representation is there in terms of elected officials and probation officers, and yet, they still continue to be incarcerated.

I think that if you look at the economic conditions of many of these people, you will find out that they are on the lower end of the economic scales. I think that has a lot to do with it. The drop-out rates, the pregnancy rates, some of those are shocking. For instance, the pregnancy rates for Hispanic teenagers are in the neighborhood of, in terms of the national average, 80 percent of the national average, in that if a young girl gets pregnant by the age of 15, more than likely she will have a second pregnancy before she is 18.

These kinds of things impact so much on juvenile delinquency that they need to be considered as an impact on delinquency.

Mr. KILDEE. Thank you.

Jim, do you think the committee somehow, either through the authorizing process or by contact with the appropriations committee, should put some flexibility on that compliance pressure for jail removal?

Mr. BROWN. I think they should, Mr. Chairman, and for a lot of the reasons that Mr. Gardell mentioned earlier. There are a lot of states, as I mentioned earlier, that are really out on a limb and jail removal is like anything where you are turning around a time-honored practice, it is something that is incremental in nature and it has taken some states longer to do it because they started in different positions.

I don't think it would give the wrong message as long as it was steadfast adherence to the December 8th, 1988 deadline. I think it will spur on the states to say our back is against the wall, we have to get serious about it. I think this might spur that type of activity on. I think the fact that the office has allocated a million dollars in discretionary funds to help with this to 20 states to make this push in the last 15 months, I think, will also be helpful.

Mr. KILDEE. My fellow teacher, is there any attempt to take the law-related education outside the traditional classroom situation?

Ms. FARNBACH. We have started our programs in Pennsylvania in schools which is, of course, where most of the young people are. I hope, as our programs develop and we spread our training and dissemination further in Pennsylvania, that we will be able to investigate the possibility of starting some diversion programs using law-related education materials, and we also would like to consider looking at law-related education as a possible vehicle to use with some youth that are in detention centers and other housing. But we have started in schools; we would like to expand.

Mr. KILDEE. I am committed to law-related education so I would like to work with you to see how we could make it work better. You seem to have a tremendous program there. As a teacher, I

tried to bring as much education as I could into the community outside the regular classroom too, when possible.

Perhaps we can put community education and law-related education together and work out a scheme for that. Community education started in Flint, Michigan 50 years ago when we took the school into the community and brought the community into the school. I would like to work with you on that.

Ms. FARNBACH. Thank you, Mr. Chairman.

Mr. KILDEE. At 2:00 o'clock I have to address the pages. I am also Chairman of the Page Board and we have a new group of pages, all high school juniors, over in the chambers, so I am going to run there and speak to them.

I thank the panel. You have been very helpful to us. I have been to many hearings, but I have never been to one where I think I have gotten so much solid material to use to authorize a bill. We have strong bipartisan support for the bill; we are going to get it reauthorized; the question is, how well. You have helped us in this regard. We will keep the record open for two weeks.

[Whereupon at 1:50, the subcommittee adjourned.]

[Submissions for the record follow:]

## AD HOC COALITION FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

A group of over 50 national, state and local organizations  
committed to responsible juvenile justice, policies and programs.

September 10, 1987

The Honorable Dale Kildee  
Chairman, Subcommittee on Human Resources  
320 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Kildee:

We are writing on behalf of the member organizations of the Ad Hoc Coalition for Juvenile and Delinquency Prevention regarding H.R. 1801, your legislation reauthorizing the Juvenile Justice and Delinquency Prevention Act.

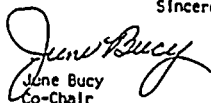
As you may know, the Coalition is composed of a broadly representative range of national, state, and local organizations committed to responsible juvenile justice programs. Members of the Coalition strongly support the mandates of the Juvenile Justice and Delinquency Prevention Act.

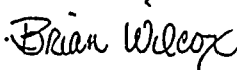
We wish to commend you introducing this legislation, which we most definitely support. We appreciate the leadership you have shown throughout the years with respect to programs serving the nation's children and youth, particularly those who are touched in some way by the juvenile justice system. These programs continue to have a significant, positive influence on the lives of the youth they serve. Still, much remains to be done, and the need for national leadership continues.

We hope during the consideration of this legislation that the Subcommittee on Human Resources will look for opportunities to further strengthen these programs. Numerous opportunities exist. Historically, prevention and early intervention programs have been underemphasized; resources for such programs need to be expanded and the Office of Juvenile Justice and Delinquency Prevention needs to be encouraged to pursue such programs. Juveniles with severe mental health problems are frequently incarcerated and provided with minimal or no treatment services. We have enclosed a pamphlet describing these and other such issues which we believe fall under the scope of the Juvenile Justice and Delinquency Prevention Act. We hope you will have the opportunity to examine some of these important topics.

Again, we deeply appreciate your sponsorship of H.R. 1801. Please feel free to call on us if we can be of assistance in elaborating upon any of these issues.

Sincerely,

  
June Bucy  
Co-Chair

  
Brian Wilcox  
Co-Chair

Enclosure

# Fact and Fiction

with  
[For Teacher, Justice and  
Delinquency, Prevention]

# **Ad Hoc Coalition for Juvenile Justice and Delinquency Prevention**

The Ad Hoc Coalition for Juvenile Justice and Delinquency Prevention is a group of over 25 national, state, and local organizations committed to responsible juvenile justice policies and programs. The Coalition meets monthly to discuss Congressional action, federal policy and funding, and current issues affecting juveniles in the justice and social service systems. In addition, the Coalition actively supports the mandates of the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 and played a vital role in the reauthorization processes of 1980 and 1984.

## **Background**

Over the last twelve years, the Juvenile Justice and Delinquency Prevention Act (JJDPA) and its amendments have been a major force for change. Currently, in response to the Act, 20 states have passed legislation restricting the incarceration of juveniles in adult jails and lock-ups, and others are pursuing similar legislation. Further, most states have forbidden the detention of status offenders; and almost all have developed prevention and treatment resources they could never have initiated without federal seed money and encouragement.

The impact of federally funded research and program experiments is widespread. As a result of opportunities to test alternative approaches to preventing or responding to juvenile crime, states have invested in numerous critical services and programs for youth.

The need for national leadership, however, remains. Federal policies have been a catalyst for state and local reforms. Federal dollars have made possible their implementation. And although much progress has been made toward building a more effective and just system, we have a long way to go.

## Status Offenders

*(Status offenders = youth charged with offenses such as truancy, running away, and incorrigibility that would not be considered crimes if committed by an adult)*

**FICTION:** Runaways and truants should be placed in detention because they need to be controlled and protected. Further, they should be confined because they go on to commit more serious offenses.

**FACT:** Studies have shown that the deinstitutionalization of status offenders has not contributed to an increase in juvenile crime.<sup>1</sup> Chronic status offenders are not criminals. Most are reacting to destructive home situations or other problems.

Young people can be helped without secure confinement. They need home or community-based programs such as foster care, shelter care homes, group homes, family crisis intervention programs, and educational and vocational skills. These alternatives, not detention facilities, are much more likely to change a status offender's behavior in a positive way.

<sup>1</sup> "Status Offenders: Anecdotes, Myths, Facts, Realities," Anne L. Schneider, Oklahoma State University, Stillwater, OK; September 1980

## Runaways

**FICTION:** Young people run away for excitement, fun and adventure, and to avoid family and school responsibilities.

**FACT:** Over half of runaways coming into shelters are running *from* abusive situations at home. Almost half cite physical abuse as a major reason for running. The majority of runaway girls and a substantial proportion of boys report sexual abuse at home. They are lonely, scared and without education or employment. On the streets they are vulnerable to exploitation, prostitution, drugs and even death. They need to be in a safe environment in which they can thrive, preferably in their own homes.

National Network of Youth and Runaway Services  
 "Juvenile Prostitution: A County Officials' Manual for Action," Marcia Cohen,  
 The National Association of Counties, 1987  
 "Study Finds That Abuse Causes Children to Flee," Glenn Collins, *New York Times*; February 10, 1986.

# Prevention and Treatment

**FICTION:** Prevention is a luxury we cannot afford.

**FACT:** Prevention activities and programs which focus on building self-esteem do make a difference in a juvenile's ability to resist delinquent behavior and to build a system of self motivation and self discipline. Comprehensive and coordinated services addressing the educational, health, emotional, and employment needs of young people are much less costly to society than corrective measures that must be taken with offenders. For example, the long-lasting effects of early childhood education programs on reducing entry into delinquency are well-documented.<sup>1</sup>



**FICTION:** Treatment rarely works.

**FACT:** Quality intervention programs which focus on a dependent child's first entry into the child welfare or juvenile justice system substantially reduce the chances of later involvement with the justice system or a life of dependency on the welfare system.<sup>2</sup> *Failure to act*, on the other hand, substantially increases the possibility of frequent and costly involvement with the social services, mental health, and justice systems.

Moreover, a majority of juvenile offenders can be successfully rehabilitated when provided with treatment which has a plan of care addressing the youth's particular treatment needs including adequate follow-up and support services.<sup>3</sup>

<sup>1</sup> "A Children's Defense Budget-An Analysis of the FY 1987 Federal Budget and Children." Children's Defense Fund: Washington, D.C.

<sup>2</sup> "The Promise of Early Childhood Education." Schweinhart, Bertueta Clement, Barnett, Epstein, Weikert. *Phi Delta Kappan*: April 1985

<sup>3</sup> "Report on the 1986 National State Advisory Group Conference," the National Coalition of State Juvenile Justice Advisory Groups, November 1986



Members of the Ad Hoc Coalition for Juvenile Justice and Delinquency Prevention include:

American Academy of Child and Adolescent Psychiatry  
 American Public Welfare Association  
 American Psychological Association  
 American Youth Work Center  
 Association of Junior Leagues  
 Camp Fire, Inc.  
 Child Welfare League of America  
 Children's Defense Fund  
 General Federation of Women's Clubs  
 Girl Scouts of the U.S.A.  
 International Association of Chiefs of Police  
 Justice for Children, Inc.  
 Juvenile Justice Project of the American Bar Association  
 National Association of Counties  
 National Coalition of Hispanic Health & Human Services Organizations  
 National Coalition of State Juvenile Justice Advisory Groups  
 National Collaboration for Youth  
 National Council of Jewish Women  
 National Education Association  
 National Network of Runaway and Youth Services  
 National Urban League  
 The National PTA  
 United Methodist Church  
 United Neighborhoods Centers  
 YMCA  
 YWCA of the U.S.A., National Board  
 Youth Policy Institute  
 Youth Service America  
 . . . and others.

For more information about the Ad Hoc Coalition, contact one of its co-chairs:

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## Issues

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- Hundreds of thousands of juveniles are inappropriately incarcerated in secure detention facilities.

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- Thousands of juveniles are still incarcerated in adult jails and lock-ups each year.

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- Minority youths are incarcerated at a much higher rate than white youth for similar offenses.

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- Countless juveniles run away from home each year, many of whom are running from abusive home situations.

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- Female status offenders are three times more likely to be held in custody than male status offenders.

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- As of the end of 1986, 37 juveniles were on death row. In the current era of the death penalty (1977-present), three persons have been executed for crimes committed while they were juveniles.

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- Juveniles with mental health problems are frequently and inappropriately held in secure detention.

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- Prevention and treatment programs are far too few in number and often operate with limited resources.

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- Contrary to their due process rights, close to half of adjudicated delinquents are not represented by counsel.

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- Major systems that deal with youth in trouble often do not coordinate their efforts, resulting in duplication and/or gaps in services.

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These are just a few of the problems. Their solutions are hampered by persistent misconceptions about young people in trouble and the institutions that serve them. This brochure highlights a few of the major myths blocking progress to true juvenile justice.

## Juveniles In Adult Jails And Lock-ups

**FICTION:** Placing young people in adult jails and lock-ups does them no harm, but will teach them a lesson ("scare them straight").

**FACT:** The only lesson they learn is not to trust parents, judges or others in authority. A night in jail makes them more scared and angry.<sup>1</sup> In addition, juveniles placed in adult facilities often suffer serious emotional distress, as well as physical and sexual abuse. The suicide rate for juveniles in adult jails is nearly eight times greater than that of youth placed in juvenile detention facilities.<sup>2</sup>

**FICTION:** The JJDPA has done little to remove juveniles from adult jails and lock-ups.

**FACT:** A 1980 report indicated that 170,714 juveniles were incarcerated in adult jails that year.<sup>3</sup> Due in large part to the participation of 46 states and all U.S. territories in the mandates of the JJDPA at one time or another, the most recent jail census indicates a substantial reduction to 93,701 juveniles in adult jails.<sup>4</sup>

Most jails census reports, however, exclude data on police lock-ups (detainees held for less than 48 hours) where it is estimated that many thousands of juveniles are incarcerated each year. The JJDPA has encouraged the development of improved data collection, but a true assessment of the progress made in the removal effort is difficult to make at this time without accurate data.



1 "Juveniles and Jail-The Wrong Combination," The National Coalition for Jail Reform (undated).

2 "Guide to the 1984 Reauthorization of the JJDPA," The Ad Hoc Coalition for Juvenile Justice; Washington, D.C.; June 1983.

3 "An Assessment of the National Incidence of Juvenile Suicide in Adult Jails, Lock-ups, and Juvenile Detention," OJJDP; Michael Flaherty; University of Illinois; 1980.

4 "Annual Survey of Jails," Bureau of Justice Statistics; Washington, D.C., 1984 (Note: This total includes those juveniles held for 6 hours or less—an exception to the JJDPA.)

## Minorities

**FICTION:** Minority youth commit a majority of juvenile crime.

**FACT:** According to a 1986 report by the Center for the Study of Youth Policy and the National Council on Crime and Delinquency, there is evidence that minority youth do not commit a disproportionate amount of serious juvenile crime. However, it appears that they stand a much greater chance of being arrested than white youth. Once arrested, they are at a greater risk of being charged with more serious offenses than whites involved in comparable levels of delinquent behavior.

In addition, there are differences in the placement of minority and white youth. Minorities comprise more than 50 percent of all juveniles incarcerated in publicly operated juvenile detention centers and training schools, while 65 percent of those juveniles incarcerated in private youth correctional facilities are white. Further, white offenders are more likely than minorities to be placed in mental health rather than correctional facilities.



"The Incarceration of Minority Youth." Krsberg, Schwartz, Fishman, Eisskovits, Guttman: The Hubert H. Humphrey Institute of Public Affairs and The National Council on Crime and Delinquency: May 1986.

# The Juvenile Justice and Delinquency Prevention Act: Federal Leadership in State Reform

GORDON A. RALEY and JOHN E. DEAN

*The policies advanced by the Juvenile Justice and Delinquency Prevention Act, while generally viewed as a success, are seen by some as a failure that may even abet juveniles in the commission of crime. After tracing the evolution of federal juvenile justice legislation and examining arrest and treatment data, the authors confront the criticisms aimed at the Act, and find reason for considerable optimism. Nationwide, the number, proportion, and rate of juvenile arrests have fallen more than the juvenile population, and many states appear to have made substantial progress in improving the processing and treatment of juveniles. The authors conclude that the Act is a continuing source of federal leadership for state innovation.*

## I. INTRODUCTION

Public concern about the handling of children who become entangled with the law has been a recurrent theme in American history. In 1646, the colony of Massachusetts vested local governments with the power to "dispose of all children who are not diligently employed by their parents for their own welfare and improvement" (Mass. Records, 1646, II: 181). In 1936, Alfred S. Regnery, Administrator of a national program, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), publicly worried that the theories and policies used to deal with juvenile crime "are outdated; at worst a total failure, and may even abet the crimes they are supposed to prevent" (Regnery 1985: 65).

These two examples do more than illustrate a historical continuity of concern about juvenile justice policy. They also reflect a jurisdictional shift in the focus of that concern. For most of the eighteenth, nineteenth, and twentieth centuries, juvenile crime was addressed almost solely by state and local governments. By the mid-1960s, however, the federal government had increased its involvement, which previously had been minimal and primarily advisory in nature. While juvenile and adult crimes were still viewed as state and local problems, the idea that the federal government could offer leadership gained prominence.

This new leadership role did not usurp state and local responsibility. Instead, it evolved into federal sponsorship of state and local innovation and experimentation intended to improve treatment and reduce delinquency.

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The results of this evolution are most clearly embodied in the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP) which linked, for the first time, the receipt of federal funds with the voluntary accomplishment of certain federally-legislated state and local objectives.

This article traces the development of federal policy regarding juvenile justice through the enactment of the JJDP, and observes the continuing evolution of policy as evidenced by amendments to the Act made in 1977, 1980, and 1984. It also surveys juvenile arrest records and other statistical indicators in order to assess whether Regnery's indictment of federal reforms is justified. Because Congress has been the sponsor and formulator of state and local innovation and experimentation, the scope of this article will be limited to federal legislative activity.<sup>1</sup>

## II. EARLY FEDERAL INVOLVEMENT IN JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The establishment of the Children's Bureau in 1912 reflected for the first time a national sense that crime committed by children and youth required federal intervention. Congress charged the Bureau with investigating and reporting on the operations and practices of juvenile courts and with developing youth policy in a number of areas (House Report 96-946, 1980: 10). The Children's Bureau had no jurisdiction over state and local juvenile justice practices, other than through broad policy pronouncements and moral persuasion. Nor did the Bureau provide direct or indirect assistance to facilitate the development of improved programs.

Between the creation of the Bureau in 1912 and end of World War II, little else developed at the federal level regarding juvenile crime. This changed, however, in 1948, when Congress sought to correct disparate and sometimes conflicting federal youth policies through the establishment of an Interdepartmental Committee on Children and Youth. The Committee sought to encourage consistency among federal policies, but was granted no legal authority to implement recommendations or enforce consistency.

Shortly after the creation of the Interdepartmental Committee, President Truman convened the Mid-Century Conference on Children and Youth and charged it with determining methods of strengthening juvenile courts, improving police services affecting juveniles, and examining the treatment and prevention capability of social service providers. In its recommendations, the Conference specifically called for an increased federal role in juvenile justice matters. No response was forthcoming until 1955 when President Eisenhower requested legislation. He did so again in 1957. Neither request resulted in the enactment of a program.

When John F. Kennedy assumed the Presidency in 1961, he called for legislation similar to that proposed by his predecessor. This time a program was enacted—The Juvenile Delinquency and Youth Offenses Control Act

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of 1961. Under the Act, the Department of Health, Education and Welfare (HEW) provided funds to state, local, and private non-profit agencies to establish pilot projects demonstrating improved methods to prevent and control delinquency. This marked the first time that the federal government had encouraged state and local innovation with targeted financial assistance. Congress reauthorized the program twice and appropriated about \$47 million in grants over its six-year life span.<sup>2</sup>

As national concern about crime increased, President Lyndon Johnson, in 1966, established the Commission on Law Enforcement and the Administration of Justice. The Commission's report, *The Challenge of Crime in a Free Society*, released in 1967, again recommended that the federal government's role be enhanced. Its Task Force on Juvenile Delinquency proposed six major strategies to reduce juvenile crime that formed a blueprint for subsequent reform efforts and for the 1974 Juvenile Justice and Delinquency Prevention Act. These strategies, as summarized by Lloyd Ohlin (1983: 465), were:

- 1) decriminalization of status offenses (such as running away from home, truancy, or being in need of supervision);
- 2) diversion of youth from court procedures into public and private treatment programs;
- 3) extension of due process rights to juveniles;
- 4) deinstitutionalization (the use of community group homes or nonresidential treatment facilities rather than large training schools);
- 5) diversification of services; and,
- 6) decentralization of control.

President Johnson responded to the Commission's findings by proposing an expanded program to replace the grant programs enacted in 1961.<sup>3</sup> The resulting legislation, the Juvenile Delinquency Prevention and Control Act of 1968, provided assistance to state and local governments and training to juvenile justice personnel.

John Gardner, Secretary of the Department of Health, Education, and Welfare (HEW), which would administer the program, testified before Congress that passage of the bill would facilitate a "substantial reduction" in juvenile delinquency and crime (House Education and Labor Committee Hearings, 1967: 16). He also noted that the juvenile justice system too often unloaded youth "teetering on the brink of delinquency" into the correctional system, suggesting that youth, once exposed to the juvenile justice system, were likely to return.<sup>4</sup>

Attorney General Ramsey Clark observed that youth between the ages of 11 and 17 comprised 13 percent of the population, but were convicted of 50 percent of all burglaries, larcenies and car thefts (House Education and Labor Hearings, 1967). Thus three expectations for federal involvement in juvenile justice began to be expressed consistently: (1) reductions in juvenile crime; (2) reductions in the proportion of crime committed by juveniles; and, (3) improvement in the way juveniles were treated.

By 1971, so many federal agencies had initiated juvenile justice programs that Senator Birch Bayh, a Democrat from Indiana, testified before Congress that varied, uncoordinated juvenile justice efforts, carried on by the Departments of Justice, Housing and Urban Development (HUD), Labor, and HEW, made any assessment of overall federal activity confusing and difficult (Senate Judiciary Committee Hearings, 1971). At these same hearings, Richard W. Velde, Associate Administrator of the Justice Department's Law Enforcement Assistance Administration (LEAA), added: "The juvenile justice system is not fulfilling its mandate. It does not correct. It does not rehabilitate. Sadly, it does not even meet ordinary standards of human decency in some cases."

Congress began work almost immediately on a new bill. A consensus had emerged that existing federal legislation was unfocused, underfunded, and, therefore, ineffective. The Committee Report from the House Education and Labor Committee stated, for example, that "the first three years of the (1968) Act were hampered by very limited appropriations, overlap with programs funded under the Omnibus Crime Control and Safe Streets Act, and confused administration." Congress provided what it hoped would be a remedy in 1972. This re-tooling of the 1968 Act required that all federally-supported programs focus on delinquency prevention and that the educational system be involved wherever possible.

The 1972 Act evidenced two main themes that set the stage for enactment of the Juvenile Justice and Delinquency Prevention Act of 1974. First, it acknowledged that providing technical and financial assistance would not of itself lead to changes in practice or reductions in delinquency; planning and coordination were needed. Second, it acknowledged research which was beginning to validate earlier suspicions about the harmful effects of certain juvenile justice practices, such as the incarceration of status offenders; reform in practice was required.

As 1974 approached, Congress remained dissatisfied. It recounted many of the same problems noted earlier: delay and inefficiency in management by HEW; underfunding; and, dominance by LEAA in developing federal policy resulting in too little emphasis on prevention and innovation (House Report 95-313, 1977). Pre-1974 experience suggested that a federal program could contribute to improvements in juvenile justice, but Congress had yet to develop an effective legislative vehicle.

### III. THE 1974 ACT—REVOLUTION?

By 1974, juvenile crime had become a national issue. A Presidential Commission had suggested national strategies, and Congress had repeatedly attempted to develop federal laws to facilitate state and local action. From Congressional dissatisfaction with previous federal efforts, a new piece of



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legislation was conceived: The Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA).

What was the situation, in 1974, that precipitated the development of this landmark legislation? What expectations did lawmakers have by which to judge its eventual success or failure? One of the Act's primary supporters, Republican Senator Roman Hruska of Nebraska, helped answer both questions during Senate debate:

The seriousness of the problem is reflected in the ominous statistics. The arrests of juveniles under 18 for violent crimes such as murder, rape, and robbery have increased 216 percent from 1960 to the present. During the same period juvenile arrests for property crime, such as burglary and auto theft have increased 91 percent. Juveniles under 18 are responsible for 51 percent of the total arrests for property crimes, 23 percent for violent crimes, and 45 percent of all serious crimes.

Nearly 40 percent of juveniles incarcerated have committed no criminal act. The figure is staggering in recognition of the detrimental effects that incarceration has been shown to produce with first offenders and juveniles. (Hruska, *Congressional Record*, 1974: S23937).

The three expectations for federal involvement remained consistent: (1) juvenile crime should be reduced; (2) the proportion of crime committed by juveniles should be decreased; (3) and methods of handling juveniles should be improved. While the difficulty of relying on arrest data were well-known, it is clear from Hruska's statement that frequency of arrest was a statistic Congress considered as it proposed federal intervention.

The problem with arrest data is that it measures only the frequency of apprehensions, not the actual frequency of delinquent acts. The two measures, of course, are very different. One could presumably cut arrests in half by cutting the number of police officers in half—fewer officers equal fewer arrests. Yet, in that circumstance, the actual commission of delinquent acts could increase. Right or wrong, however, Congress, the media, and the public have continued to rely upon national FBI arrest data as an indicator of "crime-in-the-streets." LEAA, for example, was deemed a failure largely because arrest rates rose simultaneously with LEAA's Congressional appropriation. Such comparisons are inappropriate, since those appropriations may well have allowed cities to hire more, better-equipped police officers who apprehended more offenders, thus driving up the number of arrests.

The chairmen of the two subcommittees of the House and Senate having jurisdiction over juvenile justice matters, Democratic Representative Augustus Hawkins from California and Senator Bayh, respectively, led in crafting the new legislation. In both Chambers, bipartisan coalitions evolved. Republican Senator Hruska, a strong supporter of LEAA, joined Democratic Senator Bayh. In the House, the leadership of the Education and Labor Committee, Chairman Carl D. Perkins, a Democrat from

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Kentucky, and Subcommittee Chairman Hawkins, formed an alliance with Republican Representative Tom Railsback of Illinois.

Once again, the perceived inability of HEW to successfully administer juvenile justice programs concerned both the House and the Senate (House Report 95-313, 1977: 35-36). Bayh found that by agreeing with Hruska to transfer the administration of the new program from HEW to LEAA, a bipartisan partnership could be forged. The alliance worked, and the new bill passed the Senate by a recorded vote of 88-1. The vote in the House was 329-20. The goals and objectives of the Juvenile Justice and Delinquency Prevention Act now represented Congressional consensus—an overwhelming consensus. President Gerald Ford signed it on September 7, 1974, making that consensus law.

While the goals and objectives of the new legislation did require reform of current practice, they were not revolutionary. They were, in fact, very similar to the strategies recommended by the President's Commission on Law Enforcement seven years earlier.

The new law did not address the decriminalization of status offenses, as recommended by the Commission, but it did embrace the more moderate reform of promoting new treatment alternatives for status offenders to be used in lieu of secure incarceration. Title III of the Act, known as the Runaway Youth Act, established shelter facilities for runaways throughout the country. The Act also encouraged states to experiment with educational and supportive services designed to keep children in school, thus addressing the problem of truancy—another common status offense [Public Law 93-415, title II, section 223(a)(10)(E)].

Diversion, a second strategy recommended by the Commission, was a major focus of JJDPA. The Act listed diversion among its stated purposes, defined it as a program eligible for both formula and discretionary funding, and designated it as a special emphasis program. The Act specifically authorized the head of the new Office of Juvenile Justice and Delinquency Prevention (OJJDP) to fund programs to:

develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents [Public Law 93-415, title II, section 224(a)(4)].

The Act also addressed due process rights. It authorized discretionary spending for projects aimed at "improving the juvenile justice system to conform to standards of due process" [Public Law 93-415, title II, section 224(a)(9)].

It was, however, with regard to the deinstitutionalization of status offenders (not to be confused with the decriminalization of their offenses) that the Act was most innovative. Its innovation lay in the funding mechanism it employed. While other federal programs, LEAA for example,

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had provided formula or discretionary monies to support various demonstrations, the Juvenile Justice Act was perhaps the first to make voluntary compliance with innovative policy a condition of participation. Section 223(a)(12) and (13) of the Act required that states:

- (12) provide within two years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in secure juvenile detention or correctional facilities; and
- (13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial or criminal charges.

In order to encourage a diversification of services, as suggested by the Commission, the Act required that 75 percent of a state's spending under JJDP be dedicated to community-based programs. These approaches included foster-care and shelter-care houses, group homes, halfway houses, homemaker and home health services, twenty-four-hour intake screening, volunteer and crisis home programs, day treatment, and home probation.

Diversification of services was closely related to the sixth Commission strategy—decentralization of control. Both diversification and decentralization depended upon community-based alternatives for successful execution. When juveniles had to be placed within facilities, the Act required that those facilities be the "least restrictive alternative" appropriate to the needs of the child and that they be in "reasonable proximity" to the families and home communities of such juveniles. Small, community-based facilities were to be emphasized over large, warehouse-like institutions.

#### IV. THE 1977 AMENDMENTS: REAUTHORIZATION

Congress supported funding and implementation of the new reforms despite what Congressional sponsors perceived to be less than full backing by the Ford Administration (Senate Judiciary Committee Hearing, 1975). Even as he signed the legislation, President Ford had announced that he would request no appropriations to fund it. Still, due to strong bipartisan Congressional endorsement, annual appropriations rose from \$25 million in fiscal year 1975 to \$75 million in 1977.

Prior to the Act's reauthorization in 1977, it became clear that the incoming Carter Administration would support the program. The new President requested an appropriation as part of his budget proposal, readily named an appointee to head OJJDP, and proposed legislation to extend the program for three additional years. The Administration's bill was introduced by Representative Ike Andrews, a Democrat from North Carolina, who replaced Hawkins as chair of the House subcommittee having jurisdiction

(House Report 95-313, 1977). Andrews would later introduce his own amendments to the Administration's bill. Senator Bayh again introduced the Senate version (Senate Report 95-165, 1977).

Changes made in the Act in 1977 had more to do with the mechanics of program implementation than with any redirection in focus. Congress reaffirmed its support for deinstitutionalization and the other reform strategies. Acknowledging difficulties reported by some states, Congress did extend voluntary compliance dates by a year. It also clarified that the mandates to deinstitutionalize status offenders included other nonoffenders such as abused, dependent and neglected children, who were sadly also found incarcerated in some juvenile institutions and adult jails.

Congress also approved changes in the calculation of available state planning monies and matching requirements. In order to enable more innovative, "grassroots" programs to apply for funding, Congress removed all match requirements from state formula grants. In return, states were required to use no more than 7.5 percent of their total allotment for planning (as compared with 15 percent in 1974) and match whatever they used on a cash, dollar-for-dollar basis. Congress thus further emphasized its intent to encourage innovation and experimentation.

#### V. THE 1980 AMENDMENTS: RETRENCHMENT?

The 1980 reauthorization of the Act was expected to involve only modest "fine-tuning," not an "overhaul," reflecting general Congressional satisfaction with the legislation and its implementation by the Carter Administration (Andrews, 1985). Testimony before the House consisted of statements of support for JJDP, backed by statistics suggesting that juvenile arrests were decreasing in number. During hearings, the Administrator of the OJJDP, Ira M. Schwartz, summarized the perceived successes of the Act, citing a report prepared by the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP), the research arm of the Office:

- In the first three years following passage of JJDP (1975-1977) the total number of cases referred to juvenile courts decreased by 3.6 percent;
- The number of status offenders referred to juvenile courts decreased by 21.3 percent during the same period; and
- The rate of detention of status offenders decreased by nearly 50 percent (House Education and Labor Hearing, 1980: 43).

Schwartz observed that many factors might have influenced these changes. He added, however, "I sincerely believe, though, that a major influence in accomplishing these reductions was the clear policy of the Act in support of these developments." Schwartz noted that 1977 monitoring reports showed 33 states were in substantial compliance, and an additional 13 states showed significant progress towards compliance.

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Lee M. Thomas, Director of the Division of Public Safety for South Carolina, further substantiated the important influence of the Act. He testified that the Act had "a tremendous impact at the State and local level. I can tell you, without that Act in South Carolina, deinstitutionalization, the kind of efforts we have been able to bring to bear in dealing not only with status offenders but with serious criminal offenders who are delinquents, as well as the issue of separation of adults and juveniles, would not have been possible" (House Education and Labor Hearing, 1980: 139).

Only one group, the National Council of Juvenile and Family Court Judges, expressed some misgivings.<sup>5</sup> Although calling for the continuation of the Act, Judge John R. Milligan, on behalf of the judges, raised concerns about the philosophical direction concerning status offenders. He described the Act as allowing "in effect (a child) ultimately to decide for himself whether he will go to school, whether he will live at home, whether he will continue to run, run, run away from home, or whether he will ever obey the orders of your court" (House Education and Labor Hearings, 1980: 136). Milligan recommended an amendment to the Act's prohibition on the incarceration of juvenile status offenders, which would exempt from the prohibition juveniles who violated a "valid court order."<sup>6</sup>

The Committee on Education and Labor considered Milligan's proposal and rejected the amendment generally along a party line vote, expressing deep concern that the amendment, if passed, would be abused by juvenile court judges seeking to circumvent the Act's prohibition against the secure incarceration of status offenders. Responding to these fears, the sponsor of the amendment, John Ashbrook, a Republican congressman from Ohio, sought to assure House members that juveniles subject to the provision would be afforded full due process rights as articulated by *In Re Gault* when he again proposed the amendment on the House floor (*Congressional Record*, 1980: H10932). This time the amendment passed.

The professional juvenile justice community viewed adoption of the "valid court order" amendment as the first major retreat from the objectives of JJDPa since its enactment. The National PTA, for example, testified at hearings several years later that it "opposed and continues to oppose the Valid Court Order Amendment enacted in 1980 because it contradicts the deinstitutionalization mandates of the law" (House Committee on Education and Labor Hearings, 1984a: 140).

Conservatives hailed the amendment's passage as a major victory. Arguably, it was of overall benefit to the continuation of JJDPa since it secured support (or at least the absence of strong opposition) from the incoming Reagan Administration. Passed in a lame-duck session after the 1980 November elections, the 1980 Amendments could have required President Ronald Reagan's signature, since outgoing President Carter was reluctant to sign legislation possibly opposed by the incoming President. In any case, judges could no longer rightly claim that the Act tied their hands with regard to chronic runaways.<sup>7</sup>

The 1980 Amendments did include a major new initiative which required the removal of all children from adult jails and lock-ups. This initiative was added as a third area of voluntary compliance for states wishing to receive formula grant funds.

Charles B. Renfrew, Deputy Attorney General during the Carter Administration, presented the initiative to Congress. He noted that a 1974 jail census found 12,744 juveniles incarcerated on a given day, excluding those held less than 48 hours. As many as 500,000 were reported jailed during a given year. Renfrew further observed that the placement of juveniles in adult jails and lock-ups had been found by several courts to constitute cruel and unusual punishment, possibly requiring operational changes anyway. The Act could provide financial assistance to affect the change before it was ordered by the courts (House Committee on Education and Labor Hearings, 1980: 37).

As enacted, the jail-removal amendment required the removal of all juveniles from adult jails and lock-ups within five years. Secure detention of delinquent offenders in juvenile facilities was permissible, but not in adult facilities. States with 75 percent compliance within five years could be granted an additional two years if the state made an "unequivocal commitment" to fully comply [Public Law 96-509, section 11(a)(15)(A)].

Congress provided exceptions in special situations. To address the needs of rural areas, it directed the Administrator, through regulations, to recognize the special needs of low population density areas. Where no acceptable alternative was available, juveniles accused of serious crimes against persons could be temporarily placed in adult facilities.

Republican members of the Committee questioned the jail-removal amendment on the basis of cost. Republican Representative E. Thomas Coleman of Missouri criticized the Carter Administration for proposing the amendment without providing adequate information on the cost of achieving compliance (*Congressional Record*, 1980: H10922). As a remedy, the 1980 Amendments directed the Administrator of OJJDP to report to Congress within 18 months as to the cost and implications of the jail removal provision [Public Law 96-509, section 17(a)].<sup>8</sup>

Nevertheless, the basic concept of removing juveniles from adult facilities was not challenged by members of either party. In fact, some of the most persuasive debate was offered by Republican Representative Railsback, who noted that the suicide rate of juveniles held in adult jails was approximately seven times the rate of children held in juvenile detention facilities (*Congressional Record*, 1980: H10922).<sup>9</sup>

Through provisions authored by Representative Ike Andrews, the 1980 Amendments also made another modification, establishing OJJDP as an independent entity, apart from and equal to LEAA, under the Justice Department's newly created Office of Justice Assistance, Research and Statistics (OJARS). Not only did this increase the federal status of delinquency prevention efforts and end the policy-related dominance of LEAA,

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but the demise of LEAA a year later made this change appear all the more foresighted. By fiscal year 1981, OJJDP's appropriation has risen to \$100 million a year.

## VI. THE BUDGET RECONCILIATION ACT: REDUCTIONS

Upon assuming the Presidency, Ronald Reagan promptly submitted a revised budget for fiscal year 1982. This budget, in modified form, paved the way for the Omnibus Budget Reconciliation Act of 1981, also known as "Gramm-Latta II" (Public Law 97-35). Funding for OJJDP was jeopardized when the Reagan Administration proposed to eliminate the program. Still, the Administration did not reject the program's objectives. Associate Deputy Attorney General Stanley Morris testified before the Senate, "The Department proposal for fiscal 1982 does not reflect disapproval of the goals of the program. The proposal simply testifies to the hard choices that we in the Federal government must make. . . (Senate Judiciary Committee Hearing, 1981)." The President did not succeed in terminating the program, but its authorization—and hence its appropriation—was scaled back to \$70 million a year.

## VII. THE 1984 AMENDMENTS: REAFFIRMATION?

After fiscal 1981, President Reagan continued to propose the termination of OJJDP each subsequent fiscal year. His stated rationale remained largely budgetary in nature. In its 1984 budget request, the Administration's position was presented by the newly named Administrator of OJJDP, Alfred S. Regnery:<sup>17</sup>

Those functions of the Office which have proven successful and worthwhile would be carried forth instead by the proposed Office of Justice Assistance. Other functions of the JJDP Act have been adequately tested, we believe, to indicate whether they work or do not; those activities that have demonstrated their effectiveness can be continued and funded by state and local governments, if they so desire (House Education and Labor Committee Hearings, 1984a: 62).

Regnery expressed confidence that states would continue practices in compliance with the Act even without federal funds. With regard to the jail removal requirements, Regnery asserted "... the states are not undertaking jail removal because of Federal money, but because they believe it is the right thing to do (House Education and Labor Committee Hearings, 1984a: 51)."

In Regnery, however, the President had found an appointee who would directly attack the goal of deinstitutionalization. Citing an unpublished study by the American Justice Institute, Regnery stated that "comparisons



of deinstitutionalized status offenders and non-deinstitutionalized status offenders generally show no difference in recidivism (House Education and Labor Hearing, 1984a: 52)." He also suggested that the Act's mandate "has inhibited, for all intents and purposes, the law enforcement system from dealing with and attempting to control runaway youth." He concluded his testimony by suggesting that the Act had had "little impact on crime."

Regnery's testimony differed significantly from all other witnesses appearing before the reauthorization panel. No other witness questioned either the need for extending the Act or the objective of deinstitutionalization. Most testified that the Act had yet to achieve its full potential. A representative of Camp Fire, Inc., for example, testified:

Many of the past decade's real gains for children and communities could quickly dissipate without continued strong and unyielding Federal leadership. The Administration had declared 'victory', but the battle has not yet been won. In particular, by declaring 'victory' in deinstitutionalization of status offenders, we are overlooking:

Increases in numbers of youth kept confined less than 24 hours;

Increases in involuntary, secure hospitalization of kids in profit-making institutions;

Increases in labeling status offender behavior as more serious delinquent 'acting out;' and

Increases in youth adjudicated and confined in institutions while the rate of serious youth crime decreases (House Education and Labor Committee Hearing, 1984a: 152).

The major initiative of the 1984 Amendments was the creation of a new title, the Missing Children Act. This program to aid in the location and treatment of abducted youngsters was founded on OJJDP's earlier funding of a National Center on Missing Children using discretionary funds available to Administrator Regnery.<sup>11</sup> The initiative had wide support, and its inclusion in the 1984 Amendments was viewed as helping to prevent a Presidential veto of JJDPA.<sup>12</sup>

In retrospect, the 1984 Amendments are significant not so much for new initiatives (there were none on par with the jail removal provisions of 1980), but rather for what was not done. Congress rejected squarely the Administration's request to abolish the state formula grant program as it did efforts to remove the deinstitutionalization requirements. To the contrary, Congress enacted several amendments designed to prevent what were viewed by the professional community as abuses of authority on the part of Administrator Regnery. Congressional staff determined that since he had been Administrator, Regnery had awarded over 80 percent of the discretionary funds at his disposal noncompetitively (House Education and Labor Hearings, 1984b: 37). A two-year noncompetitive award of \$4 million had been made to a friend and colleague of Presidential Advisor Ed Meese (now Attorney General) through Pepperdine University, where Meese served as a "Pepperdine Associate." Another large, noncompetitive grant had been



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awarded to American University for an ex-songwriter for the Captain Kangaroo television show to study the "juvenile biological/neuro-physiological imperatives" involved in reading *Playboy*, *Penthouse*, and *Hustler* magazines. The wife of Presidential Advisor Meese was employed at American University and served on its Board of Trustees. Because of these grants and several others of questionable nature, Congress required a competitive grant process and specifically forbid OJJDP's involvement in biomedical research.

#### VIII. JJDP—RESULTS

After ten years of state and local information sponsored by federal leadership as expressed through the Juvenile Justice and Delinquency Prevention Act, what has changed? Have the strategies conceptualized by the 1967 Presidential Commission on Law Enforcement, legislated by Congress, and tested by state and local governments reduced juvenile crime and improved the juvenile justice system, or is Mr. Regnery right? Have these strategies been a "total failure" possibly serving to "even abet the crimes they are supposed to prevent" (Regnery, 1985: 65). Have they indeed led to "profiles in carnage" (Regnery: 1985: 66)?

The debate, which often seems more ideological than empirical, will likely continue. But by reviewing the Act's performance in light of the original expectation of Congress in passing the legislation, perhaps some of Regnery's assertions can be tested.

The limitations of juvenile arrest statistics as indicators of juvenile crime frequency have been discussed. Since, however, it was arrest statistics which Congress used as a foundation for its rationale for federal entry into the field of juvenile justice, their use here to evaluate the Act's success in fulfilling Congressional expectations for reducing juvenile crime is appropriate.

Referring to Senator Hruska's statement during debate on initial Senate passage of JJDP, from 1960 and 1974, arrests of juveniles under age 18 for violent crimes such as murder, rape, and robbery were reported to have increased by 216 percent. Between 1975 and 1984, such arrests actually declined by 31 percent (FBI, *Uniform Crime Reports*. 1984: 166)—hardly the "profile in carnage" that Regnery asserts. From 1960 to 1974, juvenile arrests for property crime had increased by 91 percent; from 1975 to 1984, they fell by 25 percent (FBI, *UCR*, 1984: 166). In 1974, juveniles were responsible for 51 percent of the arrests for property crime; by 1984, that proportion had fallen to 35 percent (FBI, *UCR*, 1984: 172).

In 1974, juveniles accounted by nearly half of all arrests for serious, so-called "Part I" crimes.<sup>13</sup> As illustrated in Table 1, by 1984, the proportion had fallen consistently to 31 percent—a reduction of almost a third.

Table 1. Percentage Distribution of Arrests for Part I Serious Crimes for Persons Under 18 Years of Age, 1974 to 1984, According to *Uniform Crime Reports*

Year	Percentage
1974	45.1
1975	43.1
1976	41.5
1977	41.2
1978	40.5
1979	38.8
1980	35.9
1981	33.5
1982	30.9
1983	30.4
1984	31.1

In 1974, juveniles accounted for 23 percent of the arrests for violent crimes.<sup>14</sup> As described in Table 2, by 1984, that proportion had fallen to less than 17 percent.

Table 2. Percentage Distribution of Arrests for Violent Crimes for Persons Under 18 Years of Age, 1974-1984, According to FBI *Uniform Crime Reports*

Year	Percentage
1974	22.6
1975	23.1
1976	22.0
1977	21.0
1978	21.4
1979	20.1
1980	19.3
1981	18.5
1982	17.2
1983	16.8
1984	16.8

Progress measured only in terms of decreases in the number and proportion of juvenile arrests tells only part of the story. Could such progress be explained by baby-boom demographics? A look at rates of arrest should help with an answer. When the number of arrests of juveniles per 100,000 members of the age-eligible population is examined, a more precise picture emerges. Table 3 depicts the rate of arrests per 100,000 juveniles under 18 years of age for four serious offenses—two violent offenses and two property offenses (FBI, *UCR*, 1974-1976, 1980, 1982, 1984 and U.S. Bureau of the Census, "Estimates of the Population of the United States, by Age, Sex, and Race: 1970-1977, 1980-1984").

Table 3. Arrest Rates Per 100,000 Persons Under 18 Years of Age for Selected Serious Crimes for Selected Years According to *Uniform Crime Reports* and *Current Population Reports*

Offense	1974	1976	1980	1982	1984
Murder	2.41	2.74	2.74	2.51	1.60
Robbery	56.74	75.82	65.95	58.00	44.33
Burglary	321.17	395.20	338.21	274.82	203.72
Auto Theft	89.39	122.25	92.33	62.24	53.98

The question remains: Has juvenile crime gone down since enactment of the Juvenile Justice Act in 1974? While hard to say with assurance, given the inadequacy of current statistical measuring tools, the answer is probably yes. The number of juvenile arrests has dropped, the proportion of their arrests has dropped, and the rate of their arrest has dropped. It is true that the number of children under 18 years of age has also decreased (by 7 percent from 1975 to 1984), but not as dramatically as arrest indicators.

Can the decrease be explained by reductions in the number of law enforcement officers? No. According to the *Uniform Crime Reports*, the number of law enforcement officers rose by more than 50,000 from 1975 to 1984—a 14 percent increase (FBI, *UCR*, 1975: 231 and 1984: 240). Their presence for every 1000 citizens increased by 5 percent. All things being equal, it could be expected that more officers would have made more—not fewer—arrests. The decrease in arrest indicators does not seem to be readily explained by either demographics or reductions in police personnel. It seems plausible to conclude that a reduction in juvenile crime is responsible.

What the statistics *do* show with considerable confidence is that there is little if any foundation for Regnery's worst fear: that the Act has been a total failure. While statistical indicators may not be sufficient to make absolute statements about its success in reducing crime, they are certainly sufficient to disprove failure. But reductions in the number and proportion of juvenile arrests were only two Congressional expectations of federally sponsored juvenile justice reform. Congress also expressed concern about the way detained juveniles are treated. During Senate debate in 1974, Senator Hruska noted that nearly 40 percent of incarcerated youth were status offenders. In 1973, Senator Bayh observed that on any given day, nearly 8,000 juveniles could be expected to be in adult jails (Senate Judiciary Hearings, 1973: 4).

Concern for how juveniles were handled stemmed not only from humanitarian origins but also from practical considerations about the effects of inappropriate treatment and mistreatment on subsequent behavior and recidivism. What had changed by 1984? Table 4, describing information abstracted from *The Watershed of Juvenile Justice Reform* (Krisberg, 1985: 18) provides some clues.

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Table 4. Annual Public Juvenile Detention and Training School Admissions and One-Day Counts 1974 and 1982

	1974		1982		Percent <sup>15</sup> Change
	Total	Rate/ 100,000	Total	Rate/ 100,000	
Detention Admission	529,075	1,791	416,610	1,516	-21.3
Detention One Day	11,010	37	13,048	47	+13.5
Training School Admission	67,406	228	65,401	238	-03.0
Training School One Day	25,397	86	25,071	91	-01.3
Eligible Youth Population	29,534,890		27,476,521		-07.0

Reductions in admissions to detention facilities went down markedly from 1974 through 1982—three times faster than the decline in the youth population. Admissions to training schools declined, but at a slower rate than the youth population declined. What is most interesting is that one-day counts for detention rose almost as dramatically as the number of annual admissions fell. In other words, while the total number of juveniles being placed annually in detention fell, the length of time they spent there increased. This is a likely outcome if the status offenders being removed from detention were being replaced by more serious delinquent offenders who would require more time in security. Ironically, it would seem that the very reforms Regnery attacks have in fact resulted in delinquents spending more time—not less—in detention.

State participation in the adoption of reform strategies has been impressive. OJJDP submitted the following information to the Education and Labor Committee in 1983:

During the period 1975–1980, the participating States and Territories reported an 82 percent reduction (from 198,795 to 35,079) in the number of status and nonoffenders (dependent and neglected) held in detention and training schools (House Education and Labor Hearings, 1983).

Later, during hearings held in 1984, OJJDP reported that number had been further reduced to 22,833—an 88.5 percent reduction (House Committee on Education and Labor Hearings, 1984: 57). The number of juveniles held in regular contact with adults had been reduced from 97,847 to 27,552—a 72 percent reduction since the Act's inception. In 1973, Senator Bayh had placed the daily count of juveniles in adult jails at 8,000. By 1983, according to the 1983 Jail Census, that number had been reduced to 1,760. As anticipated by those who formulated the delinquency prevention strategies of the 1967 Commission on Law Enforcement, more appropriate treatment seems to lead to fewer arrests and very possibly to reduced rates of crime.

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The real story of the Juvenile Justice Act, however, will not be told by statistics. Rather it is reflected in the opportunities provided to state and local governments to experiment, test, and innovate by providing funds over and above those required for the day-to-day operation of their respective juvenile justice systems. The States of Arizona, Louisiana, Massachusetts, Pennsylvania, Utah, Virginia, and Wisconsin have all experimented with varied approaches to deinstitutionalization (Hindler, Sosin et al., *Neither Angels Nor Thieves*, 1982). Illinois, Indiana, Oklahoma, and Louisiana have experimented with excluding certain offenses from juvenile court jurisdiction (Krisberg et al. 1985 : 5). A number of states are now testing sentencing reforms (Colorado, New York, and Idaho) while others, such as Washington, are enacting new sentencing guidelines (Krisberg et al. 1985: 5).

#### IX. CONCLUSIONS

National statistics seem to indicate that the course plotted by the Commission on Law Enforcement and the Administration of Justice in 1967, and enacted by Congress through the Juvenile Justice and Delinquency Prevention Act of 1974, has been a wise one. Status offenders have been deinstitutionalized, making room in correctional facilities for delinquent youth for whom their use is more appropriate. Children have been separated from adults convicted of criminal offenses or awaiting trial. No children are being removed from adult jails and lock-ups.

Far from the dire predictions of those few who opposed these reforms (including many within the current Administration) the juvenile justice world has not exploded; children are not "getting away with murder." Instead, juvenile arrests for serious crime have gone down dramatically, about four times faster than has their demographic representation.

The difference between JJDP and other federal grant programs, such as LEAA, may well be that OJJDP used financial mechanisms to encourage state implementation of new strategies which were developed through legislative consensus. Voluntarily participating states were charged with testing those strategies as a condition of receiving funds with which they could explore other innovations.

The success of JJDP should be recognized and replicated. At the same time, it should be recognized that all solutions breed new problems. Gaps in service and the hidden, inappropriate confinement of troubled children in hospitals and private, profit-making correctional institutions may result from the reforms of today. Continuing evaluation and innovation at the state and local level will help us recognize these problems as they arise, supported by the Juvenile Justice and Delinquency Prevention Act as it continues to provide federal leadership to develop new solutions.

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## NOTES

1. The implications of *In Re Gault*, for example, and subsequent Court proceedings have also had a substantial impact on the way children are handled by the justice system. Judicial law, however, while extremely significant, has done little to encourage programmatic innovation in the prevention and treatment of delinquency.
2. The six-year, \$47 million expenditure was described during the 1967 Congressional hearings held by the House Committee on Education and Labor's General Subcommittee on Education. Based on the assumption that delinquent behavior is rooted in the fabric of society, demonstration projects funded by the 1961 program zeroed in on making changes in the social situations surrounding delinquent youth. Concentrating primarily on the deprived inner-city areas which had the highest delinquency rates, these projects organized and mobilized community resources to attack conditions thought to bring about delinquency. Many of these programs served as models for later programs adopted on a national scale by the Office of Economic Opportunity as part of President Johnson's "war on poverty." The Neighborhood Youth Corps was modeled after pilot youth employment programs funded through federal delinquency monies. Neighborhood law offices offering legal services for poor families, models for the Legal Services Corporation, were funded in New York, New Haven, Boston, and Washington, D.C. New Careers for the Poor, which became a nationwide program, originated from the Mobilization for Youth Program funded in New York City. Delinquency demonstration grants funded some of the first work-study programs.
3. The proposal was contained in a special message to Congress entitled, "America's Children and Youth" on February 8, 1967. The bill was introduced by Representative Carl D. Perkins (D-KY) as H.R. 6162. As enacted, this program (P.L. 87-274; 75 Stat. 572) authorized federal grants of \$10 million annually for three years to support the development of techniques and the training of personnel to combat delinquency.
4. Gardner specifically identified what had evolved as two primary causes of delinquency: labeling and the lack of meaningful roles in legitimate society. He testified, "We have learned that the labeling of the young offender as an official delinquent can damage and isolate him. A study at Harvard, for example, has shown that more involvement of an individual with the juvenile justice system increases the chances that he will return to that system; and commitment to correctional institutions may serve to reinforce delinquent values and negative attitudes toward authority. Correspondingly, we have found that the best programs are those that keep first offenders out of the correctional process. We have also learned that aberrant or delinquent behavior, particularly among low-income, minority youth, is often based on having no meaningful role in legitimate society" (House Education and Labor Hearings, 1967: 16).

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5. The National Council of Juvenile and Family Court Judges has traditionally supported the Act but has focused on federally sponsored research and training (for which it has consistently received grant funds) and resisted the reforms contained in the formal grant program, especially those provisions seeking to change court practice regarding the treatment of status offenders.
6. The term *valid court order* would eventually be defined in section 103 of the Juvenile Justice and Delinquency Act (P.L. 96-509; 94 Stat. 2750) to mean "a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word 'valid' permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States."
7. The National Council of Juvenile and Family Court Judges would continue to oppose the deinstitutionalization of status offenders. In 1984, using most of the same arguments used in 1980, it ignored the 1980 passage of the valid court order provision and again sought the complete deletion of the requirement to remove status offenders from secure confinement from the Juvenile Justice and Delinquency Prevention Act.
8. "Volume I of the Jail Removal Cost Study" is published in "Reauthorization of the Juvenile Justice and Delinquency Prevention Act, Hearing before the U.S. Senate Committee on the Judiciary Subcommittee on Juvenile Justice, 98th Congress, 1st Session," February 24, 1983, pp. 169-198.
9. This statistic originally appeared in *An Assessment of the National Incidence of Juvenile Suicide in Adult Jails, Lockups, and Juvenile Detention Centers*, prepared by the Community Research Forum of the University of Illinois, August, 1980.
10. Unlike Presidents Ford and Carter, President Reagan waited 22 months to name an appointee to head OJJDP.
11. The General Accounting Office (GAO) determined that the missing children and serial murder tracking program was not eligible for Title II special emphasis discretionary funds, thus making obvious the need for a separate authorization for the program. See letter of November 16, 1983, from William J. Anderson to Honorable Ike Andrews (House Education and Labor Hearings, 1984a).
12. This is the personal recollection of the authors, confirmed in a personal interview with Chairman Andrews.
13. Serious crime, as defined in the *Uniform Crime Reports of the United States* and as included as a definition in section 103 (14) of the Juvenile Justice and Delinquency Prevention Act, includes: murder and nonnegligent manslaughter, forcible rape, aggravated assault, burglary, larceny-theft over \$50, motor-vehicle theft, and arson.
14. Violent crime, as defined in the *Uniform Crime Reports of the United States*, includes: murder, forcible rape, robbery, and aggravate assault.
15. Percent Change denotes changes in the number of youth rather than the rate per 100,000.

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## STATUTES

JUVENILE DELINQUENCY AND YOUTH OFFENSES CONTROL ACT OF 1961, Public Law 87-274; 75 Stat. 572.

JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968, Public Law 90-445; 82 Stat. 212.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974, Public Law 93-415; 88 Stat. 1109.

JUVENILE JUSTICE AMENDMENTS OF 1977, Public Law 95-115; 91 Stat. 1048.

JUVENILE JUSTICE AMENDMENTS OF 1980, Public Law 96-509; 94 Stat. 2750.

OMNIBUS BUDGET RECONCILIATION ACT OF 1981, Public Law 97-35; 95 Stat. 357.

JUVENILE JUSTICE, RUNAWAY YOUTH, AND MISSING CHILDREN'S ACT AMENDMENTS OF 1984, Public Law 98-473; 98 Stat. 2107.

## The (Surprising) Stability of Youth Crime Rates

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Despite the profound demographic and socioeconomic changes characterizing family life in recent years, youth crime rates have remained more or less constant since 1971. This finding is of interest given the intense public concern regarding the welfare of children. It also serves as a convenient basis for projecting the future volume of youth crime.

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**KEY WORDS:** crime rates; juvenile crime; projections.

### 1. INTRODUCTION

This is a time of intense concern about the welfare of children. The nuclear family, which has been the primary social institution for educating, socializing, controlling, and providing for children, is on the decline (Moynihan, 1986). Trends in illegitimacy, divorce, female labor-force participation, and parental attitudes indicate the dimensions of this decline. Uhlenberg and Eggebeen (1986) conclude that these trends constitute "a declining commitment of parents to their children over the past several decades" (p. 35). They suggest that this change in the quality and quantity of parenting may account for the rapid increase in delinquency rates and other troubling trends in youth behavior that they say occurred throughout the period 1960-1980 (p. 32).<sup>3</sup>

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<sup>3</sup>Uhlenberg and Eggebeen (1986) used the court disposition rate as their measure of youth crime. We favor the arrest rate on the grounds that it is less affected by changes in juvenile justice policy. The juvenile court disposition rate increased almost 50% between 1970 and 1980 for youths aged 10-17 years; the arrest rate increased only 7%.

In this paper we provide further documentation of the decline in family life, which has indeed been dramatic in recent years. But our measures of youthful crime rates point to a quite surprising conclusion—namely, that these rates have remained nearly constant in recent years. The arrest rate per 1000 youths aged 13-17 years was the same in 1983 as in 1970, with a negligible variance in the interim. This long plateau in youthful crime rates is interesting precisely because it has occurred during a time of great demographic and socioeconomic shifts that we might reasonably expect would influence every aspect of youthful behavior, including crime involvement. It is also interesting in the more mundane context of projecting future youth crime rates. We explore both of these interests in what follows.

## 2. TRENDS IN YOUTH CRIME

Table 1 exhibits arrest rates for the age group 13-17 years, the group

Table 1. Arrest Rates for Youths Aged 13-17 Years per 1000 Population, 1963-1983\*

Year	Total arrests	Total index crime arrests <sup>b</sup>	Property index crime arrests <sup>c</sup>	Violent crime arrests <sup>d</sup>
1963	73.3	36.9	24.8	2.1
1964	74.6	36.8	24.5	2.3
1965	82.3	38.7	26.1	2.6
1966	89.5	38.1	27.5	2.8
1967	93.8	38.8	28.6	3.1
1968	97.4	39.2	29.9	3.3
1969	100.9	38.8	31.1	3.7
1970	99.1	39.3	29.7	3.8
1971	111.3	42.5	33.0	4.6
1972	103.9	40.0	32.5	4.8
1973	107.0	39.9	31.6	4.8
1974	101.5	39.5	31.6	4.8
1975	106.9	39.7	32.1	4.8
1976	106.8	39.8	32.4	4.4
1977	101.0	39.2	32.7	4.3
1978	102.4	39.3	32.8	4.3
1979	106.0	39.2	32.3	4.7
1980	99.9	39.3	31.3	4.4

\*Source: Arrest statistics compiled by the Federal Bureau of Investigation, adjusted for population coverage of reporting units. See footnote 4 for additional information.

<sup>b</sup>Includes arson, auto theft, burglary, and larceny.

<sup>c</sup>Includes aggravated assault, murder and nonnegligent homicide, rape, and robbery.

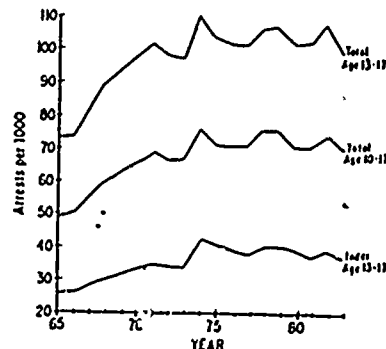


Fig. 1. Youth arrest rates per 1000 population, 1963-1983. (Arrest statistics compiled by the Federal Bureau of Investigation, adjusted for population coverage of reporting units. See footnote 4 for additional information.)

The arrest rates were adjusted to take into account the varying population coverage in the Uniform Crime Reports over the 1963 to 1983 period. Comparing the population coverage reported in the UCR annual reports with the U.S. Bureau of the Census population census, the UCR coverage ranges from about 78 to 97% of the U.S. population over the same period. In order to use these UCR data, the arrest rates were adjusted each year to correct for undercoverage of the U.S. population. For more information on adjustment factors see Smith et al. (1980, pp. 304-306). Moreover, in 1979, arson was reclassified as an index crime. For the sake of comparability, the UCR data reported here exclude arson in the total index crime category as well as in the property index crime category for each year throughout the 1963 to 1983 series. Similarly, in 1978, the category "manslaughter by negligence" was removed from the UCR reports. For the sake of comparability, the UCR data reported here exclude manslaughter by negligence arrests for the years 1965 to 1977.

Table II. Descriptive Statistics for Youth Arrest Rates, 1971-1983

	Total arrests/1000 for ages 13-17		Total index arrests/ 1000 for ages 13-17		Total arrests/1000 for ages 10-17	
	1971-1983	1975-1983	1971-1983	1975-1983	1971-1983	1975-1983
Mean	103.0	103.4	37.6	38.3	79.3	72.0
SD	4.2	3.3	2.6	3.4	3.1	2.2

As shown in Table II, the standard deviation for each of the three arrest rate series was less than 4% of the mean. Extending these series back to include the 13 years 1971-1983 does increase the standard deviations somewhat but has little effect on the means.

Interestingly, this stability in arrest rates for youths has been associated with a rather sharp reduction in their relative importance in the overall crime picture. As shown in Table III, violence arrests of youths under 18 years dropped from over 23% of the total in 1975 to 17% in 1983. Property crime arrests for youths dropped from over 50% of the total to 34% (in

Table III. Arrests for Children Under 18 Years (UCR Data)

Year	Percentage of			
	All arrests	Index crime arrests	Violent index crime arrests	Property index crime arrests
1965	21.4	46.8	19.7	55.2
1966	22.9	49.5	20.4	56.5
1967	24.3	49.1	21.3	55.7
1968	25.9	45.9	22.0	55.1
1969	25.6	47.8	22.1	54.1
1970	25.3	46.2	22.6	51.8
1971	25.8	45.4	22.8	50.9
1972	25.6	44.6	22.6	50.6
1973	26.4	44.8	22.7	50.9
1974	27.2	45.2	22.6	50.8
1975	25.9	43.2	23.1	48.1
1976	24.9	41.6	22.0	46.2
1977	24.0	41.3	21.0	46.3
1978	23.3	40.5	21.4	45.5
1979	22.5	38.8	20.1	43.5
1980	20.9	35.9	19.3	40.2
1981	19.8	33.5	18.5	37.4
1982	17.9	30.9	17.2	34.5
1983	16.8	30.4	16.8	33.9

1983). This decline is a consequence of the large baby boom cohorts aging out of the juvenile-court jurisdiction. The result is that the juvenile justice system is responsible for a somewhat smaller piece of the crime problem in the mid-1980s than it was in the 1960s and early 1970s.

A final intertemporal pattern of some interest is the relative arrest rates for Black and White youths, as shown in Table IV. The Black arrest rate for index crimes has been several times as high as the white arrest rate throughout this period. This difference peaked circa 1970, with a Black/White ratio of about 3.0 for property crimes and over 11.0 for violent crimes. Since 1975 those ratios have been relatively constant at about 2.2 and 6.5, respectively.

It should be acknowledged that arrest trends are not necessarily reliable indicators of the underlying trends in juvenile crime rates. The likelihood that a crime will result in a recorded arrest depends on a number of factors—the propensity of victims to report crimes to the police and request that the police intervene formally if there is a known suspect, the police

Table IV. Ratios of Black Arrest Rates to White Arrest Rates for Youths Aged Less than 18 Years (UCR Data)\*

Year	All index crimes	Property crimes	Violent crimes
1965	2.9	2.7	10.4
1966	2.9	2.7	9.8
1967	3.1	2.8	11.1
1968	3.2	2.9	10.4
1969	3.4	3.0	11.4
1970	3.3	2.9	11.1
1971	3.1	2.7	11.4
1972	3.0	2.6	10.4
1973	2.7	2.4	8.5
1974	2.6	2.3	7.8
1975	2.4	2.1	6.6
1976	2.5	2.2	6.6
1977	2.5	2.2	6.0
1978	2.5	2.2	6.6
1979	2.3	2.1	5.7
1980	2.4	2.1	6.1
1981	2.4	2.1	6.4
1982	2.6	2.3	6.4
1983	2.6	2.2	6.7

\*Each entry is the ratio of the Black arrest rate per capita to the White arrest rate per capita for youths 17 years or younger.

department's standard operating procedure for dealing with juvenile suspects, and so forth. If the likelihood that a crime results in arrest changes over time, then to that extent the arrest trend misrepresents the underlying trend in juvenile crime.<sup>3</sup>

But it is reassuring that estimates of the volume of juvenile crime for the period 1973-1981, generated from National Crime Survey data, are quite compatible with the arrest trends reported above (Laub, 1983).<sup>4</sup>

To summarize, the annual statistics on juvenile arrests changed rapidly during the period 1965-1971 and have been relatively static since then. This characterization applies to overall arrest rates and arrest rates for both property and violent index crimes. If it is reasonable to project that the arrest rate "plateau" will continue for another decade, then predicting the volume of juvenile arrests for 1995 is simply a matter of multiplying the projected juvenile population in that year by the plateau value of the arrest rate.

## 2. TRENDS IN FAMILY CHARACTERISTICS

Juvenile arrest rates per 1000 have not varied much since the early 1970s. Our best guess for the juvenile arrest rate in 1995 and beyond is that it will remain on the same "plateau" as in recent years, simply because we have no strong reason for thinking it will move either up or down. This section considers and rejects one possible argument for suggesting that juvenile crime and arrest rates will in fact increase during the next decade: the continuing decline in the stability and resources provided children by their parents.

It seems only common sense that children will be less prone to delinquency if they are raised in a stable home environment providing a high level of adult supervision, guidance, and support. If an otherwise.<sup>5</sup> Indeed, it has long been known that a disproportionate number of delinquents are from single-parent and/or low income households. This observation suggests that the increase in the proportion of children raised in households

<sup>3</sup>For a general discussion of police arrest statistics, see Sherman and Glick (1984).

<sup>4</sup>Self-reported delinquency data from the National Youth Survey also show a generally stable pattern for the period for which they are available, 1975-1980. See Elliott et al. (1985) for details.

<sup>5</sup>For an interesting analysis of changes in routine activity patterns of youth with implications for informal social control mechanisms, see Johnson and Gottfredson (1994). Wilson and Herrnstein (1995, Chap. 9) review a host of studies relevant to the question of whether the absence of a father in the family is criminogenic. The evidence is not clear-cut, due in part to the difficulty of deciding what is the relevant control group for children raised by their mothers.

that lack the parenting and economic resources of the "traditional" middle-class nuclear family will lead to a corresponding increase in youthful involvement in crime. As far as we can tell from the available data, this increase has not occurred, at least for the period since 1970.

There are various indicators of the decline of the nuclear family. First is the fraction of births that are out of wedlock (see Table V). This fraction stood at 4.3% for the 1955 cohort, which reached its most active delinquent phase in 1970-1971. The 1965-1967 cohorts, which reached their most active phase in the early 1980s, included nearly twice this percentage of illegitimate births. (The non-White illegitimacy percentage is much higher than the White percentage and increased from 20 to 30% between 1955 and 1967.)

The period since 1970 has also been characterized by a gradual decline in the percentage of children living with two parents (see Table V/1). For all children, this percentage dropped from 85 to 75 between 1970 and 1982; for Black children, the percentage dropped from 58 to 42. During this same period the percentage of children with mothers in the labor force increased from 39 to 55.

These indicators suggest a substantial decline in the percentage of children raised to adulthood by both natural parents and an increased percentage of children who were sharing their mother's time and energy

Table V. Trends in Out-of-Wedlock Births and Births to Young Women\*

Year	Out of Wedlock Births as a Percentage of all births			Births to women under 20 as a percentage of all births
	Total	White	Non-White	
1950	3.9	1.7	16.8	12.1
1955	4.5	2.1	19.4	12.2
1960	5.3	2.7	21.6	14.0
1965	7.7	4.0	24.3	15.9
1970	10.7	5.7	34.9	17.6
1973	13.0	6.4	41.7	19.7
1974	13.2	6.5	42.7	19.2
1975	14.2	7.3	44.2	19.9
1976	14.4	7.7	45.2	19.0
1977	15.5	8.1	46.5	17.2
1978	16.3	8.7	47.6	16.6
1979	17.1	9.4	48.8	16.0
1980	18.4	11.0	49.4	15.2
1981	18.9	11.6	48.5	14.0
1982	19.4	12.1	48.8	14.7

\*Source: National Center for Health Statistics (NCHS) *Vital Statistics of the U.S., 1982*, Vol. 1. Nonwhite and unpublished data from NCHS.

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Table VI. Percentage of Children Under 18 Years Living with Both Parents and Percentage with Mothers in the Labor Force\*

Year	Percentage living with both parents			Percentage with mothers in labor force
	Total	White	Black	
1970	85	89	58	39
1971	83	88	54	39
1972	83	88	54	40
1973	82	87	52	41
1974	81	87	51	42
1975	80	85	49	44
1976	80	85	50	44
1977	79	85	47	48
1978	78	84	44	50
1979	77	84	43	52
1980	77	83	42	53
1981	76	82	43	54
1982	75	81	42	55
1983	75	81	41	55
1984	75	81	41	56

\*Sources: (1) *Statistical Abstract of the U.S., 1982-83*, Table 76, 421 U.S. Bureau of the Census; Current Population Reports, P 20, No. 389 (1984), "Marital Status and Living Arrangements" March 1983; (2) Bureau of Labor Statistics, *Handbook of Labor Statistics*.

with her job. And despite this increase in labor-force participation by mothers, the percentage of children living in poor households increased somewhat between 1980 and 1983 (see Table VII).

In looking ahead to 1995, we know that the youths in the age group of greatest delinquent activity (13-17 years) will be members of birth cohorts characterized by unprecedented rates of illegitimacy—for Black youths, the fraction is over half. This and the related trends discussed above are troublesome for a number of reasons, but recent history gives no support for the notion that this continued deterioration in the nuclear family will necessarily lead to an increase in delinquency.<sup>4</sup>

There is something of a sociological mystery here. We believe that the home is the primary site for "civilizing" children and that the amount and quality of effort devoted by parents to this task appear to be declining on the average [see also Felson and Gottfredson (1984) and Uhlenberg and Eggebeen (1986)]. Since there is no evidence of an increase in "uncivilized"

<sup>4</sup>One particularly encouraging trend is the reduction in the prevalence of drug use by high-school seniors since 1973 (Fingus and Boxer, 1984, p. 360; personal communication with Lloyd Johnston, May 3, 1985).

Table VII. Percentage of Children Under 18 Years Living in Poverty\*

Year	Total	White	Black
1965	20	14	—
1966	17	12	51
1967	16	11	47
1968	15	11	43
1969	14	10	40
1970	15	11	42
1971	15	11	41
1972	14	10	43
1973	14	10	41
1974	15	11	40
1975	17	13	41
1976	16	11	40
1977	16	11	42
1978	16	11	41
1979	16	11	41
1980	18	13	42
1981	20	15	45
1982	21	17	47
1983	22	17	46

\*Source: U.S. Bureau of the Census Current Population Reports, Series P 60, No. 145 (1984), "Money Income and Poverty Status of Families and Persons in the U.S.: 1983."

(criminal) behavior by youths in recent years, we are encouraged to search for compensating trends in other institutions that contribute to the civilizing process. But this paper is not the right context in which to launch such a search. For now, we simply note the trend in one indicator that may be relevant—the ratio of adults (aged 18-65 years) to children (aged 10-17 years). As shown in Table VIII, this ratio has increased steadily since 1970 and will continue upward till the 1990s. To the extent that other adults supplement parents' efforts to guide youthful behavior, then this ratio indicates an increase in society's capacity in this respect. The adult-child ratio may also have an indirect influence on youthful behavior through its effect on popular culture, the political process, and the tolerance generally accorded youthful misbehavior. James Q. Wilson gives a related explanation for the crime boom of the 1960s:

Since the 1960s, an increase in the proportion of young persons in the population has been met by the celebration of the youth culture in the marketplace, in the churches, and among adults. . . . This institutionalization in all parts of society

Table VIII Trends in the Adult-Child Population Ratio\*

Year	Ratio of		
	Adults (18-64) to children (10-17)	White adults (18-64) to White children (10-17)	Black adults (18-64) to Black children (10-17)
1965	3.57	3.68	2.80
1966	3.55	3.67	2.75
1967	3.52	3.64	2.70
1968	3.51	3.62	2.67
1969	3.50	3.61	2.64
1970	3.49	3.62	2.64
1971	3.51	3.65	2.66
1972	3.55	3.69	2.69
1973	3.60	3.75	2.72
1974	3.66	3.81	2.76
1975	3.76	3.92	2.82
1976	3.89	4.06	2.90
1977	4.03	4.22	3.01
1978	4.19	4.39	3.12
1979	4.38	4.58	3.26
1980	4.50	4.70	3.39
1981	4.64	4.85	3.51
1982	4.83	5.04	3.68
1983	5.01	5.23	3.84
Projections			
1985	5.30	5.53	4.16
1990	5.79	6.03	4.67
1995	5.43	5.68	4.26
2000	5.34	5.57	4.15

\*Source: Various U.S. Bureau of the Census population reports and U.S. Bureau of the Census Current Population Reports, Series P-25, No. 952 (1984), "Projections of the Population of the United States by Age, Sex, and Race, 1983-2007," Government Printing Office, Washington, D.C.

of the national desire of youth for greater freedom may well have been testimony to all forms of self-expression—including, alas, those forms that involve crime and violence—and thus helped magnify and sustain what would have been a crime increase in any event. (1983, p. 35)

By symmetry, it is plausible that the more recent decline in the proportion of young persons in the population may be causing a drift away from "the youth culture."

Our position, then, is that the long plateau in juvenile arrest rates is the result of opposing trends in powerful etiological factors that have (by

chance?) balanced each other for more than a decade. The future course of some of the demographic factors is quite predictable, but we have no reliable way of projecting their net influence on delinquency rates. In the interest of making some concrete projections, we assume that the "balance of forces" will continue.<sup>8</sup> But this assumption may prove wrong by a wide margin.

#### 4. IMPLICATIONS FOR THE FUTURE

Approximately 85% of arrests of youths under 18 years involve teenagers aged 13-17. This is the group of primary concern in projecting the future crime. The size of this group peaked in 1974 and has declined steadily since. By 1990 it will be 5 million less than in 1974 (a 23% reduction) but will increase thereafter through the year 2000 (see Table IX).

Since Black youths have an arrest rate more than double that of White youths, it is of some interest to note that the trend in the Black youth population is highly correlated with that in the White population. Blacks made up 13.7% of the population aged 13-17 years in 1975; this percentage increased slightly, to 14.7%, in 1985 and will be about 15.5% in 1995. Because there is so little change in racial population composition over this period, we ignore race in what follows.

One scenario is that arrest rates (both total and Index) in future years will be the same as in recent years. Given the assumption that juvenile arrest rates will remain at the same level through the year 2000, the number of juvenile arrests can be projected, based entirely on census projections of the future population of youths aged 13-17 years (see Table X). These projections are meant to apply to total arrests as well as Index arrests. The underlying volume of serious juvenile crime should also follow this pattern.

We believe that the confidence intervals around these projections should be quite broad due to uncertainty about future arrest rates. (Relatively speaking, there is very little uncertainty about the size of the future populations.) For an historical precedent for the possibility of large changes, note that the Index juvenile arrest rate increased by 30% between 1966 and 1971. The possibility of a swing of this magnitude (in either direction) during the next few years cannot be ruled out.

At this point, we cannot provide a convincing explanation for the long plateau in youth crime rates. The number of possible explanations vastly exceeds the number of data points during the 13-year period. But we believe that the plateau is a fact, and an intriguing one, given the major demographic and socioeconomic changes that have occurred since 1970. It seems safe to

<sup>8</sup>For other recent efforts to project delinquency rates see Blumstein et al. (1990), Fox (1978), Kikinger and Wern (1985), Cohen et al. (1980), and Escherman (1973).

Table IX. Trends in the Population Aged 13-17 Years<sup>a</sup>

Year	Millions		
	Total	White	Black
1965	17.8	15.4	2.2
1966	18.2	15.7	2.3
1967	18.6	16.0	2.4
1968	19.1	16.5	2.5
1969	19.5	16.8	2.5
1970	20.1	17.2	2.6
1971	20.5	17.5	2.7
1972	20.7	17.6	2.8
1973	20.9	17.8	2.8
1974	21.1	17.9	2.9
1975	21.1	17.8	2.9
1976	21.0	17.7	2.9
1977	20.8	17.5	2.9
1978	20.5	17.2	2.9
1979	19.9	16.6	2.9
1980	19.8	16.4	2.9
1981	19.1	15.8	2.8
1982	18.6	15.3	2.8
1983	18.4	15.1	2.7
Projections			
1985	18.1	14.9	2.7
1990	16.2	13.2	2.4
1995	17.8	14.3	2.8
2000	19.3	15.4	3.2

<sup>a</sup>Source: See Table VIII. Footnote a

Table X. Projected Change in Number of Juvenile Arrests

Period	Percentage change
1985-1990	-10
1985-1995	-2
1985-2000	+6

predict that the quality of family life will continue to deteriorate. Will youth crime rates remain immune to this deterioration?

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Sept. 21. 1987

Cong. Dale Kildee  
Chairman  
Human Resources Subcommittee  
Washington, DC 20515

Dear Congressman Kildee,

I am writing to request that you and the Subcommittee include a provision in the reauthorization of the Office of Juvenile Justice and Delinquency Prevention that would require states to report all juvenile deaths in law enforcement custody. This type of reporting provision is presently required by law in such large states as California and Texas.

Before there is a solution to issues like juvenile suicides in adult lock ups, jails and prisons, there must be a recognition of the problem. Although a recent study revealed that juveniles have an eight times higher rate of suicide in these facilities, this type of data is not that well known in the country.

Also, reporting would counter the concealment on this issue. Secrecy seems to be one of the biggest obstacles to the implementation of the goals of OJJDP, and there can be a tendency to "sweep under the rug" this type of information because many of these law enforcement officials are politicians (e.g. sheriffs).

In summary, by requiring custody officials to formally report deaths of juveniles to a state official (Texas and California's Attorney General is the official), and this data from the fifty states annually reported to the U.S. Attorney General, the American people will begin to realize the abuses of juveniles in adult confinement facilities.

Whatever consideration you give to this request will be appreciated.

Sincerely,  
*Charles Sullivan*  
Charles Sullivan

Testimony Submitted By  
 Patricia A. Cuza, Director  
 Michigan Office of Criminal Justice  
 To The  
 Subcommittee on Human Resources  
 Washington, DC  
 October 19, 1987

Chairman Kildee and Members of the Subcommittee:

I am Patricia Cuza, Director of the Michigan Office of Criminal Justice. My office administers the Juvenile Justice and Delinquency Prevention Act (JJDP) program in our state. I am very pleased and honored that your subcommittee would like to hear from states like Michigan about our perspective on juvenile justice. I hope to leave you with two clear messages. One is that JJDP has been very valuable and successful in Michigan. Second, that juvenile problems remain and that the role of the JJDP is not over.

I must commend the Congress for enacting the JJDP in 1974. This legislation was the right initiative at the right time. The stated goal was right on target - to prevent and reduce delinquency and to develop programs outside courts and institutions for appropriate youth. And the three mandates were needed and timely - Deinstitutionalization of Status Offenders (DSO), the Jail Removal Initiative (JRI), and Sight and Sound Separation. The establishment of the state advisory groups and annual state plans was the right process.

We, in Michigan, have had over a decade of solid achievement. We have achieved two of the mandates - DSO and sight and sound separation. We have been quite successful in removing juveniles from jails. What I want to talk to you about today are problems Michigan faces in removing juveniles from police lockups in order to achieve full compliance with JRI.

PROBLEMS FACED BY MICHIGAN IN ACHIEVING JAIL REMOVAL INITIATIVE COMPLIANCE

There are three barriers to achieving JRI compliance.

A. BASELINE

States are required to measure compliance with the JRI from early 1980's baseline data. The baseline year chosen by Michigan is 1981. All reductions mandated by JRI are measured from 1981.

Such a requirement presents few problems with regard to county jails. State law requires that county jails file monthly detention reports with the Michigan Department of Corrections. In 1981 county jails had been reporting for a number of years and the data on juvenile detention was fairly accurate. Michigan can therefore assume that the reductions in county jail detentions which is measured from 1981 reflect reality.

However, measuring detention in police department lockups presents a problem. Police departments are not required by state law to file detention reports. They were not required to do so in 1981, and they are not required to do so today. When our office first asked police departments to voluntarily report to us, we experienced much resistance and received very sketchy data. We have worked closely with police departments across the state to get their cooperation and to improve the quality of data. Today we have achieved these goals.

Michigan's data shows a large increase in the secure detention of juveniles in lockups. We maintain that this increase does not reflect reality, but rather it is a result of measuring accurate 1986 data against inaccurate and incomplete 1981 data. It is our perception that many more juveniles were detained in police lockups in 1981 than is reflected on paper.

#### B. LACK OF RESOURCES FOR ALTERNATIVES TO SECURE DETENTION

Michigan does not have a statewide system of juvenile detention facilities. Our 19 juvenile facilities are located mainly in the southern half of the lower peninsula. In the northern lower peninsula and the Upper Peninsula, the county jail remains the only secure facility.

The Michigan Department of Social Services has with the help of JJDPA grant funding established a system of non-secure detention alternatives for counties that do not have a juvenile facility. This system has been instrumental in reducing jailing in northern Michigan and in the Upper Peninsula. However, the fact remains that juveniles who pose a significant threat to public safety must be securely detained.

A lack of resources poses problems for the city of Detroit and Wayne County. A rise in crime in this city has put enormous pressure on the Wayne County Youth Home which is continually overcrowded. Lack of space in the youth home results in juveniles being held in police lockups.

#### C. THE VALID COURT ORDER PROVISION

Congress made an exception to mandate that non-criminal juvenile offenders not be securely detained. This exception allows a non-criminal juvenile offender to be securely detained for violating a "valid court order." A regulation promulgated by the Office of Juvenile Justice and Delinquency Prevention defines the requirements for a "valid court order." It is important to remember that "valid court order" is a term of art defined by federal regulation and not a court order that our juvenile court judges would consider valid.

The regulation requires that a long list of due process requirements be met before a court order is "valid." Most of them are reasonable, and most are met by our judges. One requirement is that the juvenile know what the consequences will be if he/she fails to obey the order. Every judge in Michigan is explicit in detailing this consequence when issuing an order. The regulation, however, requires that written notice of these consequences be in the court record. This has not been the standard practice in Michigan.

As a consequence, many juveniles who are securely detained for violating a court order count against Michigan because the federal office requirements are more specific than the Michigan statute.

#### STRATEGY TO ACHIEVE COMPLIANCE WITH JRI

In spite of the problems Michigan faces in meeting compliance with JRI, Michigan is working hard to do so. The Committee on Juvenile Justice (Michigan's state advisory group) and the Office of Criminal Justice have worked closely to develop a strategy to bring Michigan into compliance.

The Committee on Juvenile Justice has developed its new three year plan to address JRI and has targeted all JJDP money coming to Michigan for the next three years for JRI compliance. The Office will actively solicit grant proposals from those areas around the state with high jailing and lockup figures.

The Office has applied for a \$50,000 discretionary grant from OJJDP. These grants are being awarded in a competitive basis to states who have not met JRI compliance.

The Office is working with the City of Detroit to develop alternatives to holding juveniles in police precinct lockups.

Plans are underway to add secure juvenile detention beds to the Upper Peninsula and the northern half of the lower peninsula.

The Governor recently signed into law legislation that prohibits the secure detention of status offenders.

We are confident that this strategy will result in full compliance with JRI.

#### CONCLUSION

I have tried to lay out Michigan's experience under the JJDP. As deliberations begin on the future of this Act during the next year, Congress should keep in mind that states like Michigan are with good faith effort working hard to achieve JRI compliance.

Although full compliance has not been reached, Michigan has achieved remarkable success. None of the progress would have been possible if we did not have the JJDP. This Act has given the state juvenile justice community the leverage we needed with state policy makers to make the goals of the JJDP the goals of Michigan.

This Act has enabled us on a state level to bring together in a cooperative effort the juvenile justice advocates and state policy makers, to achieve the mandates as set forth by Congress. I cannot stress enough that this Act has been not only the catalyst but the glue that has kept divergent forces working toward success.